

George B. Jacobus to be postmaster at Caldwell, Essex County, N. J., in place of George B. Jacobus. Incumbent's commission expires March 24, 1908.

Charles S. Simonson to be postmaster at Verona, Essex County, N. J. Office became Presidential January 1, 1908.

PENNSYLVANIA.

Fred S. Trowbridge to be postmaster at Great Bend, Susquehanna County, Pa. Office became Presidential January 1, 1908.

SOUTH CAROLINA.

James W. Johnson to be postmaster at Marion, Marion County, S. C., in place of James W. Johnson. Incumbent's commission expires April 27, 1908.

TEXAS.

Louis W. Durrell to be postmaster at Alpine, Brewster County, Tex. Office became Presidential January 1, 1907.

John M. Hill to be postmaster at Cooledge, Limestone County, Tex. Office became Presidential January 1, 1908.

John G. Ross to be postmaster at Garrison, Nacogdoches County, Tex. Office became Presidential January 1, 1908.

WASHINGTON.

William O. Gregory to be postmaster at Burlington, Skagit County, Wash. Office became Presidential January 1, 1908.

James Lane to be postmaster at Roslyn, Kittitas County, Wash., in place of James Lane. Incumbent's commission expires March 2, 1908.

Tilton S. Phillips to be postmaster at Mabton, Yakima County, Wash. Office became Presidential January 1, 1908.

WISCONSIN.

Walter C. Crocker to be postmaster at Spooner, Washburn County, Wis., in place of Walter C. Crocker. Incumbent's commission expired February 3, 1908.

Robert A. McDonald to be postmaster at Grand Rapids, Wood County, Wis., in place of Albert L. Fontaine. Incumbent's commission expired January 21, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1908.

POSTMASTERS.

MASSACHUSETTS.

John F. Mitchell to be postmaster at North Grafton, Worcester County, Mass.

MISSISSIPPI.

George K. Smith, jr., to be postmaster at Indianola, Sunflower County, Miss.

NEW YORK.

Austin Hicks to be postmaster at Great Neck, Nassau County, N. Y.

Wesley Mulford to be postmaster at Unadilla, Otsego County, N. Y.

Winfield S. Spencer to be postmaster at New Rochelle, Westchester County, N. Y.

TEXAS.

Dallas Harbert to be postmaster at Commerce, in the county of Hunt and State of Texas.

HOUSE OF REPRESENTATIVES.

Monday, February 24, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

UNITED STATES COURTS AT DOTHAN, ALA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala., which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to say this: There have been two bills passed through this Congress increasing the number of places in which to hold court. The first was in the State of Texas, presented by a gentleman from that side of the Chamber. Although I was somewhat doubtful about it, I did not object at that time.

The next one came from the State of Kentucky, and was presented by a gentleman on this side of the House. I then stated I would not object to that, because the other had been allowed, but I did give notice that I should object to these bills hereafter until I had an opportunity to examine them to see whether there was any necessity. After I made that statement I received

a letter from one of the judges of one of the Southern States, in which he took notice of what I had said in the House and protested most vigorously against the establishment of so many courts and divisions where there was so little business. Now, Mr. Speaker, in view of that, for the present I shall object to the consideration of this bill, which, I understand, establishes places for holding court.

Mr. CLAYTON. Mr. Speaker, I could explain the matter to the gentleman now perhaps—

Mr. PAYNE. It is hardly worth while taking the time of the House. I will be very glad to talk with the gentleman in regard to it at his convenience.

Mr. CLAYTON. It is hard to draw the line on me; I should prefer he should draw the line on somebody else. He stood in his place and has not objected to others, and here is a bill to which there is no objection from any quarter except the gentleman from New York.

Mr. PAYNE. Well, the gentleman from New York has the right to be the only Member of the House to object to any bill.

Mr. CLAYTON. I understand, but he has not objected to bills of this kind before.

Mr. PAYNE. I thought I explained it to the gentleman when I said the first bill coming in was from the State of Texas, and while I had my doubts about it I refrained from objecting. The next came from the State of Kentucky, presenting a better case and offered by a gentleman on this side of the House. I announced then I should object to the consideration of any more of these bills in the House until I had had an opportunity to examine each individual bill. Mr. Speaker, I therefore object.

The SPEAKER. Objection is heard.

CHANGE OF REFERENCE.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Public Lands be discharged from the further consideration of the bill S. 3409, and that the bill be referred to the Committee on Indian Affairs. This bill, Mr. Speaker, is identical with the House bill which heretofore was erroneously referred to the Committee on the Public Lands, and thereafter by unanimous consent referred to the Committee on Indian Affairs. Now, a Senate bill identical comes over and by a like error is again referred to the Committee on the Public Lands, and I ask that it be referred to the Committee on Indian Affairs.

The SPEAKER. Is there objection?

Mr. MANN. What is the bill?

Mr. SHERMAN. It is a bill to extend the time for the payment of settlers in the Kiowa Reservation.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma.

The SPEAKER. And the request is for a change of reference from the Committee on the Public Lands to the Committee on Indian Affairs.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object; this is land in Oklahoma, is it?

Mr. SHERMAN. Yes; it is a part of an Indian reservation.

Mr. WILLIAMS. An Indian reservation in Oklahoma?

Mr. SHERMAN. Certainly.

Mr. WILLIAMS. Well, the request is proper.

Mr. MONDELL. Mr. Speaker, I think there is some question whether this bill belongs to the Committee on Indian Affairs. These lands when they were opened to settlement became public lands, and under the rule I think the bill was properly in the first instance sent to the Committee on the Public Lands. The Committee on the Public Lands very carefully examined the matter and later, I understand, though I had no knowledge of that fact until this morning, the House bill was referred, I am told, to the Committee on Indian Affairs. The Senate bill was likewise referred to the Committee on the Public Lands when it came to the House very properly. I think, Mr. Speaker, that was the proper reference. I still believe this bill belongs under the rules to the Committee on the Public Lands, but personally I have no desire to interpose an objection in view of the fact that the gentlemen interested in the legislation are favorable to this re-reference. Therefore, I withhold that objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and the re-reference is made.

IMMIGRATION COMMISSION INVESTIGATION.

Mr. DALZELL. Mr. Speaker, I desire to submit the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House numbered 115 and 209, have had the same under con-

consideration and report herewith a resolution in lieu thereof, with the recommendation that the House agree to the same:

Resolved, That the Immigration Commission be requested to make an investigation into the treatment and conditions of work of immigrants on the cotton plantations of the Mississippi Delta, in the States of Mississippi and Arkansas, and upon the turpentine farms, lumber camps, and railway camps in the States of Florida, Mississippi, Louisiana, and other Southern States; and to report thereon at as early a date as possible.

Mr. DALZELL. On that I ask the previous question.

Mr. MANN. Mr. Speaker, I raise a point of order. That is not a privileged report.

Mr. DALZELL. It is from the Committee on Rules.

Mr. MANN. That may all be. It may come from the Committee on Rules, but the Committee on Rules can not make everything a privileged report.

Mr. DALZELL. All reports from the Committee on Rules are privileged.

Mr. MANN. They are not unless they have jurisdiction of the subject-matter. This resolution has nothing to do with the organization of the House, but directs an outside Commission to make an investigation. I want to say—

The SPEAKER. The Chair will call the attention of the gentleman from Pennsylvania [Mr. DALZELL] to the rules.

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business.

That seems to cover the limits of the Committee on Rules.

Mr. MANN. Mr. Chairman, I have no objection if the gentleman from Pennsylvania will ask unanimous consent.

Mr. DALZELL. Mr. Speaker, I do not ask unanimous consent.

The SPEAKER. The Chair will hear the gentleman from Pennsylvania on the question as to whether this is a privileged report or not under the rules.

Mr. DALZELL. I understand that all reports are privileged when they come from a committee that is entitled to report at any time.

The SPEAKER. The Chair will again call the attention of the gentleman to the rules. The Chair was under the same impression as that expressed by the gentleman from Pennsylvania until his attention was called to the rule. The Clerk will read Rule LXI, on page 273 of the Manual.

The Clerk read as follows:

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business; the Committee on Elections, on the right of a Member to his seat, etc.

Mr. DALZELL. Mr. Speaker, I call attention, however, to the next paragraph of the rule, which says:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion, that the House adjourn.

Mr. FITZGERALD. But the gentleman has not got his report into the House yet.

Mr. SHERMAN. Just reporting it.

Mr. FITZGERALD. The gentleman has no right to present his report in this way unless it is privileged. If it is not before the House, he can not call it up.

Mr. DALZELL. The gentleman has presented the report of the Committee on Rules, and the question is now whether it is privileged, and therefore entitled to consideration.

Mr. FITZGERALD. The gentleman can not present any report except a privileged report in this way. He must present his report by dropping it in the basket, like any other committee would do.

Mr. DALZELL. The gentleman is begging the question.

Mr. FITZGERALD. Not at all.

Mr. MANN. Mr. Speaker, the Committee on Rules has no jurisdiction of these resolutions. The rules provide that there shall be referred to the Committee on Rules all proposed actions touching the rules, joint rules, and order of business. Anything else that is referred to the Committee on Rules is not properly referred to that committee, and is certainly not referred under the rules, and certainly can not be privileged matter. Now, giving to the Committee on Rules only jurisdiction over the rules, the rules then provide the report from that committee shall be privileged; but here is a resolution to give to an outside Commission, entirely foreign to the House—created by an act of Congress and not by the House—jurisdiction over matters that the House has nothing to do with. There might as well have come from the Committee on Rules a resolution directing the Secretary of War to make certain investigations or creating an outside commission or committee to make certain investigations. I take it that is not within the province of the Committee on Rules.

Mr. COCKRAN. Will the gentleman allow me a question? There is no doubt, I suppose, that the Committee on Rules have the right to report the resolution.

Mr. MANN. I should say myself that the Committee on Rules has no jurisdiction over the matter. That is the question I raised; that they have not the right to report the resolution.

Mr. COCKRAN. I take it that even if the point of order be well taken against considering the report now, all the committee need do would be to walk out and report a resolution for its immediate consideration.

Mr. MANN. That is the very point of order that I make, that the committee can make no such report.

Mr. COCKRAN. They could report an order of business at any time. Would there be any practical difference between considering this report now and waiting long enough to allow of their walking right out and reporting a resolution that this question be considered at once?

Mr. MANN. They can.

Mr. COCKRAN. Then it is a question of the difference between tweedledum and tweedledee.

Mr. MANN. Well, let us see whether it is or not.

Mr. DALZELL. The gentleman from Illinois concedes that the Committee on Rules has jurisdiction over the business of the House. This is a question relating to immigration, upon which the House has been legislating. It would be entirely competent for the Committee on Rules to refer this investigation to the Committee on Naturalization and Immigration of the House; it would be equally competent for the Committee on Rules to refer it to a special committee. Now, the proposition to refer is simply a proposition to refer it to a special committee, namely, the special commission, and is fairly, therefore, within the power of the Committee on Rules, as it relates to the business of the House.

Mr. MANN. The distinction, which is clearly drawn, the gentleman seems not to have caught. He says that I concede that the Committee on Rules has jurisdiction of the business of the House. Not at all. The Committee on Rules has jurisdiction over the order of the business of the House. That is a very clear distinction. They can bring in a rule relating to the order of business of the House, but they have no jurisdiction to report upon the actual business of the House. They can not report an appropriation bill; they can not report upon any bills that come before the House except as to the order of business. Now, here is a proposition reported from the Committee on Rules to confer jurisdiction, not upon a regular committee of the House, nor upon a select committee, but upon an outside committee entirely, with which the House has nothing to do.

Mr. DALZELL. It is composed partly of membership of the House itself—a committee raised by the House in the first instance.

Mr. MANN. It was by an act of Congress, and not by the House.

Mr. DALZELL. It was raised in the first place by an amendment to a bill put on in the House of Representatives, agreed to in the Senate, and which thereafter became law.

Mr. MANN. An act of Congress.

Mr. DALZELL (continuing). And it is constituted of Members of both Houses. It is just as competent for the House to appoint a committee from outside members on any matter as to which it has jurisdiction as to appoint a committee from its own Members upon any such questions.

Mr. MANN. By act of Congress, not by the action of the House.

Mr. WILLIAMS. Will the gentleman from Pennsylvania yield to me?

Mr. DALZELL. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, there is no doubt about the fact that the Committee on Rules has jurisdiction over the question of referring matters of business to committees, whether those committees be standing committees of the House or special committees to be selected by the Speaker. There is no doubt about the fact that it would have jurisdiction in a proper case to refer this matter to a committee consisting not altogether, or indeed at all, of Members of the House. Now, if that be the case, then it follows that if this resolution had named the men who constitute this commission as a committee to whom this matter should be referred, then it would be in order. Now then, what is the difference between naming the men and using the designation "members of the Immigration Commission?" The Committee on Rules has absolute jurisdiction over the order of business, and the reference of business to committees and to special committees, as well as standing committees.

Mr. FITZGERALD. I think the gentleman overlooks this fact, that in the practice of the House the question of consideration can not be raised on a report from the Committee on Rules, while if the Committee on Rules reported a resolution providing a time when this resolution should be taken up the question of consideration could be raised if it were attempted

to take up that business in the way it is reported by the committee. There is considerable difference between a committee reporting matters which it is privileged to report at any time, and attempting to go outside of its jurisdiction and report on a question over which it has no jurisdiction. If the contention of the gentleman be correct, it would be possible to refer to a commission anything that comes before this House by having this committee to report it. It is in order for the committee to bring in an order setting a time for the consideration of an order referring the question to the Commission, and then a Member could exercise his own right under the rules and have the question of consideration passed upon.

Mr. WILLIAMS. The gentleman seems to think that this resolution involves the enactment of legislation upon the subject-matter of immigration. It does not. It only refers certain matters to a committee for a fair and impartial investigation and report.

Mr. FITZGERALD. I think it does.

Mr. WILLIAMS. It does not. It merely refers a matter to be investigated to a certain body, appointed by the resolution, as a committee for the purpose of investigating it.

Mr. FITZGERALD. But it does confer power upon a statutory commission which it does not have at present.

Mr. HUMPHREYS of Mississippi. No; it simply requests the Immigration Commission to make the investigation.

The SPEAKER. The Chair is prepared to rule.

Clause 61 of Rule XI provides that—

The following named committees shall have leave to report at any time on the matters herein stated:

The Committee on Rules—on rules, joint rules, and order of business.

The Chair recollects, and has confirmed his recollection, referring to page 279 of the Manual, that in the Fifty-first Congress, in paragraph 10 to Rule XVI, was to be found the following:

No dilatory motion shall be entertained by the Speaker.

In the Fifty-second or Fifty-third Congress, Speaker Crisp being in the chair, clause 10 to Rule XVI was omitted when the rules were adopted. In the Fifty-fourth Congress clause 10 to Rule XVI was reinserted, again providing that—

No dilatory motion shall be entertained by the Speaker.

But in the Fifty-second or Fifty-third Congress these words were added:

It shall always be in order to call up for consideration a report from the Committee on Rules; and pending the consideration thereof the Speaker may entertain one motion that the House may adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

The object of that amendment to Rule XI was to prevent dilatory motions on reports made from the Committee on Rules. What are those reports? Reports on rules, joint rules, and order of business.

In the Fifty-fourth Congress, Mr. Reed again becoming Speaker, the clause referred to a moment ago came into the rule again, and the clause the Chair has just read remained in the rule as adopted under Mr. Speaker Crisp. So the Chair is of the opinion that privileged reports from the Committee on Rules are reports on rules, joint rules, and order of business.

Now, undoubtedly, if this report had covered the creation of a special committee of the House, or had designated any committee of the House to perform this investigation, in the opinion of the Chair it would have been privileged; or, perchance, even if it had designated a joint committee of the two Houses. But the Commission referred to is one created by law, and consists of three Members of the last House of the Fifty-ninth Congress, three members of the Senate of the Fifty-ninth Congress, and three others, not members of Congress, but appointed by the President. This is a continuing Commission. It has passed beyond the jurisdiction of the House or the jurisdiction of the Senate as such.

The Chair is of the opinion, on examination, that the point of order taken by the gentleman from Illinois is well taken.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I was going to ask unanimous consent that the resolution be so changed as to read that this matter be referred to a special committee of seven, to be appointed by the Speaker of the House.

The SPEAKER. Well, but there would have to be unanimous consent to consider the resolution.

Mr. WILLIAMS. I ask unanimous consent.

The SPEAKER. And the gentleman now asks unanimous consent to consider the resolution which has just been reported at this time.

Mr. DALZELL. I hope the gentleman will withhold that

request. I think this matter ought to go back again for further consideration by the Committee on Rules, and we can determine then what is the proper thing to be done.

Mr. WILLIAMS. Well, I am perfectly willing to do that.

The SPEAKER. Does the gentleman move to recommit the resolution? The Chair supposes it will go to the Calendar unless some disposition is made of it.

Mr. DALZELL. I move to recommit it to the Committee on Rules.

The motion was agreed to.

DAM ACROSS SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16621) permitting the building of a dam across the Savannah River at Cherokee Shoals. The author of this bill is the gentleman from South Carolina, Mr. AIKEN, and in his absence, at his request, I wish to call the bill up.

The Clerk read as follows:

Be it enacted, etc., That the Hugh MacRae Company, a corporation organized under the laws of South Carolina, its successors and assigns, is hereby authorized to construct and maintain a dam across the Savannah River extending from a point in Elbert County, Ga., to a point in Abbeville County, S. C., upon or in the vicinity of Cherokee Shoals, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

Sec 2. That the right to amend or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend the bill as follows: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the dam authorized by the act of Congress approved March 2, 1907, entitled 'An act permitting the building of a dam across the Savannah River at Cherokee Shoals,' is hereby extended to one year and three years, respectively, from March 2, 1908."

Amend the title so as to read as follows: "To extend the time for the construction of a dam across Savannah River at Cherokee Shoals."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

CONDEMNED BRASS CANNON FOR MONUMENT ASSOCIATION, FRANKLIN, TENN.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13077) to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association at Franklin, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized in his discretion to furnish to the Confederate Monument Association, of Franklin, Williamson County, Tenn., four brass or bronze condemned field pieces or cannon with a suitable outfit of cannon balls which may not be needed in the service, the same to be used in the park surrounding the monument on the public square of the town of Franklin, Tenn., and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I supposed there was a general law that provided for furnishing condemned cannon.

Mr. PADGETT. The law only authorizes the furnishing of cast-iron, and does not authorize the furnishing of brass cannon.

Mr. HULL of Iowa. I will say to the gentleman from New York that there is no law covering this. Brass cannon are valuable, being worth several cents a pound, and the law with reference to the donating of cannon does not apply to brass cannon; and even if it did, the law does not apply to donating cannon to Confederate monuments; it applies to municipalities and the Grand Army. So it would require a special act for this purpose in any event.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the last vote was laid on the table.

A LEGAL CORD OF WOOD IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter a legal cord of wood in the District of Columbia shall consist of and contain 128 cubic feet.

SEC. 2. That all acts or parts of acts in conflict with or inconsistent with this act are hereby repealed in so far and only in so far as they conflict or are inconsistent herewith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF OAK STREET NW.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 4060) authorizing the extension of Oak street NW.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Oak street NW. from its present terminus east of Center street to Fourteenth street NW., with a width of 50 feet.

SEC. 2. That the sum of \$300, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

With the following committee amendments:

Page 1 strike out in lines 3, 4, and 5, commencing with the word "of," in line 3, down to and including the comma after the word "inclusive" in line 5.

Page 1, line 6, strike out the word "thirty" and insert in lieu thereof the word "ninety."

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the cost and expenses of said proceeding, shall be assessed by the jury as benefits: *Provided*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceedings hereunder.

"SEC. 3. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time and passed.

DISTRICT BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District bills.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

EXTENSION OF KENYON STREET.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes.

The CHAIRMAN. The Chair will call the attention of the gentleman from Michigan to the fact that the bill appears to be on the House Calendar.

Mr. SMITH of Michigan. I think the Clerk will find that it has been transferred by order of the Speaker to the Union Calendar.

The CHAIRMAN. The gentleman from Michigan is correct and the Clerk will read the bill.

The Clerk read the bill, as follows:

A bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes.

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend Kenyon street from Seventeenth street to Mount Pleasant street with a width of 80 feet, and to extend Seventeenth street from Kenyon street to Irving street with a width of 90 feet: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken

pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

SEC. 3. That Public Act No. 25 entitled "An act authorizing the extension of Seventeenth street NW.," approved January 22, 1907, and Public Act No. 28 entitled "An act authorizing the extension of Kenyon street NW.," approved January 22, 1907, be, and the same are hereby, repealed.

With the following committee amendments:

Page 2, line 10, strike out the comma and the word "one-half."

Page 2, line 11, strike out the word "from" and insert in lieu thereof the words "out of."

Page 2, line 11, strike out the words "and one-half."

Page 2, strike out all of line 12.

Page 2, line 18, strike out all after the word "Columbia" and insert a period in lieu thereof.

Mr. STAFFORD. Will the gentleman explain wherein this measure differs from the usual bill providing for the opening of streets in the District of Columbia?

Mr. SMITH of Michigan. I would be glad to, but I will yield to the gentleman from Tennessee [Mr. SIMS] who reported the bill.

Mr. SIMS. I did not quite catch the question of the gentleman from Wisconsin.

Mr. STAFFORD. I asked why a special act of legislation is necessary other than general legislation that provides for opening streets in the District of Columbia.

Mr. SIMS. In the last Congress there were separate acts passed, one as to Kenyon street, and one as to Seventeenth street; and upon investigation it was found that the land in each bill to some extent overlapped. The Commissioners therefore thought best to have both condemnation proceedings tried together, and began the proceedings, but ascertained that by oversight the time for commencing the proceedings as to one of the streets had expired, so that to get out of the difficulty and to have the trouble of the overlapping avoided they have prepared and sent this bill here repealing the two other acts and providing for this one condemnation for both streets.

Mr. STAFFORD. The general law is not applicable to this case, and this bill seeks to amend certain special acts passed in the last Congress?

Mr. SIMS. The general law will not accomplish everything, because we can not repeal the former acts in the general law, and therefore this special act is necessary.

Mr. STAFFORD. This special act providing for these streets, as I understand, was passed prior to the enactment of the general law?

Mr. SIMS. I think not. They were both passed under the general law at the last session of Congress, but it was found that the two pieces of land to be condemned to some extent lapped.

Mr. STAFFORD. And there were conditions to which the general law did not apply and this is to meet those conditions.

Mr. SIMS. Yes; that is the fact. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WIDENING TWENTIETH STREET NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, for the purpose of widening Twentieth street NW., to institute proceedings to condemn all that part of lot 15 of Richard B. Pairo's subdivision of "Rosemount Park," as recorded in book, county, six, page 78, surveyor's office, District of Columbia, lying within the lines of Twentieth street NW., north of Park road and lying west of the radial line of lot No. 30, block No. 4, Ingleside subdivision: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land condemned and the costs and expenses of the proceedings hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

With the following amendments:

Page 2, line 12, strike out the comma, and the words "one-half" after the word "appropriated."
 Page 2, line 13, strike out the word "from" and insert in lieu thereof the words "out of," and at the end of said line strike out the words "and one-half."
 Page 2, strike out all of line 14.
 Page 2, lines 20 and 21, strike out all after the word "Columbia" in line 20.

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. STAFFORD. Mr. Chairman, I will ask the chairman of the committee to explain the reason why there should be a special legislation in this case that makes it necessary to take it out of the general law.

Mr. SMITH of Michigan. Mr. Chairman, this follows the law as passed by the last Congress.

Mr. STAFFORD. Then, as I understand the gentleman, the bill is in conformity to the general law?

Mr. SMITH of Michigan. Yes.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OPENING OF JEFFERSON AND FIFTH STREETS NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., that within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, under and in accordance with the terms and provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of Jefferson street NW., in the subdivision of Brightwood Park, from its present eastern terminus east of Sixth street to the proposed east line of Fifth street west, with a width of 90 feet, and for the extension of Fifth street NW., in the subdivision of Brightwood Park, from its present southern terminus south of Kennedy street to the proposed north line of Jefferson street, with a width of 90 feet, according to the permanent system of highway plans adopted in and for the District of Columbia.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491 g of said subchapter 1 of chapter 15 of said Code: *Provided*, That the total amount found to be due and awarded as damages, plus the costs and expenses of the proceedings taken pursuant hereto, shall be assessed by the jury as benefits: *Provided, however*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the total amount found to be due and awarded as damages for and in respect to the land condemned and the costs and expenses of the proceedings hereunder.

SEC. 3. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

With the following amendments:

Page 2, line 12, strike out the comma, and the words "one-half" after the word "appropriated."
 Page 2, line 13, strike out the word "from" and insert in lieu thereof the words "out of," and at the end of said line strike out the words "and one-half."
 Page 2, strike out all of line 14.
 Page 2, lines 20 and 21, strike out all after the word "Columbia" in line 20.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,'" is hereby amended by extending its provisions in behalf of the chief engineer of the fire department, and all other officers of said department of and above the rank of captain, to any chief engineer of the fire department and all other officers of said department of and above the rank of foreman, who were retired and pensioned in pursuance of law prior to the approval of said act.

With the following amendment:

Page 2, strike out the period after word "act," in line 3, and insert a colon, and add the following:
"Provided, That when retired the present chief engineer of the fire department of the District of Columbia shall receive as retired pay a sum equal to one-half of the salary allowed by law at the date of retirement."

The CHAIRMAN. The question is on the committee amendments.

Mr. STAFFORD. Mr. Chairman, I will ask the gentleman to yield for a question.

Mr. SMITH of Michigan. I yield to the gentleman from Ohio [Mr. TAYLOR], who made the report.

Mr. STAFFORD. As I understand the bill under consideration, it seeks merely to raise the pensions of certain officers of the fire department in the District?

Mr. TAYLOR of Ohio. Four men only, who have retired.

Mr. STAFFORD. Is it a general law raising the pensions under the law passed at the last Congress a certain percentage, so as to apply not only to these designated officials, but to all in the future?

Mr. TAYLOR of Ohio. No; it simply takes care of four men. It can not apply to anybody in the future; it provides for four men who, by reason of their rank, would be under the present law entitled to an increase of pension, but who retired shortly before its passage. I will state more fully, if the gentleman will allow me for a moment. There are four men. The fire marshal, Mr. Drew, who is a man 73 years of age, now under the old law receiving \$50 a month. He would get under this amendment \$75. The next man is Mr. Sorrell, assistant chief of the department, retired, who would receive \$75 instead of \$50 under the old law. The next are two foremen who were injured in the performance of their duty and who receive \$50, and by this legislation would receive \$65 a month.

Mr. STAFFORD. What is the need of making a special exception of these four District officials? Why not make the law general, so as to apply to all who hold these positions in the future?

Mr. TAYLOR of Ohio. These are men who were retired prior to the enactment of the present law, and this brings them in the provisions of the present law.

Mr. STAFFORD. This refers to men in the service prior to the enactment of that law?

Mr. TAYLOR of Ohio. Yes, sir.

Mr. SIMS. This is not the case providing for retirement upon half pay of the chief of the fire department?

Mr. TAYLOR of Ohio. Yes; that is an amendment added to this bill.

Mr. SIMS. That amendment is not yet being considered?

Mr. TAYLOR of Ohio. Yes; it is being considered.

Mr. SIMS. I want to say, Mr. Chairman, in so far as that part relating to the four men I agree, but in so far as the retirement of the chief on half pay instead of a pension, I understand that to be establishing a new precedent.

Mr. TAYLOR of Ohio. No; if the gentleman will permit an explanation of that. The present fire chief receives a salary of \$3,500 a year that has recently been given him, two years ago, I think. He is a man who has been in the Washington fire department for forty-five years' continuous service, starting in as a boy under the old volunteer fire department and working up to every grade until he has been made chief of the department. He has never during this time had one charge of misconduct or any blot upon his reputation. Several members of the committee, believing that such a remarkable record in such a hazardous employment should receive some recognition, introduced an amendment, which the committee has adopted, providing that instead of receiving \$100 a month, which he would receive upon retirement, he will receive \$145.83, or one-half of his present pay. Now, this is largely sentimental. It is the intention to reward a man who has had a remarkable career in the public service, who has the regard of every man in the department and of every citizen of Washington. He and the department have the regard of the people of Baltimore after their work in that great catastrophe, and the committee feel it would be good for the department to know that a fire chief with such a record should have this additional compensation. I will state further, for the gentleman's information, that the amendment specifically states that it shall apply only to the present fire chief when he is retired.

Mr. STAFFORD. How about the other four officials? Is this law retroactive giving them an increased pension from the time the old law went into effect?

Mr. TAYLOR of Ohio. No, sir; it goes into effect when the law is passed only.

Mr. SIMS. Mr. Chairman, a word further. Does this amendment put Chief Belt on the pension roll at \$145 on retirement?

Mr. TAYLOR of Ohio. It comes from the pension fund. I will say, as probably all know, it comes from the pension fund. They retire at a certain time and under certain conditions get a pension of a stipulated amount. All the men in the department receive this. This money, as gentlemen know, is raised by the payment of a dollar a month by each fireman and policeman, and the deficiency is made up from the police-court fines, which are largely in excess of the amount needed, and dog licenses, and, therefore, there is no money appropriated out of any fund. All the money is there, more than enough to take care of this.

Mr. SIMS. It is not a charge upon any fund produced by taxation, which the Government of the United States pays any part—

Mr. TAYLOR of Ohio. No part whatever.

Mr. SIMS. And the District of Columbia pays no part.

Mr. TAYLOR of Ohio. No part whatever.

Mr. SIMS. It does give to the chief, if this act is passed, additional to what he would otherwise get, as stated by the gentleman.

Mr. TAYLOR of Ohio. That is exactly it.

Mr. SIMS. What would the chief get on retirement if this law was not passed?

Mr. TAYLOR of Ohio. A hundred dollars a month.

Mr. SIMS. And this gives him \$145 a month?

Mr. TAYLOR of Ohio. One hundred and forty-five dollars and eighty-three and a third cents.

Mr. SIMS. I understand that will not reduce the fund so as to prevent any other party entitled to participation therein from receiving from the fund all he now receives if the bill does pass?

Mr. TAYLOR of Ohio. Absolutely none. There is an abundance of money from the police court fines, which are turned over every year to the District for its use, in excess of that which is turned into the pension fund.

Mr. SIMS. I want to say, Mr. Chairman, not being from a large city and not acquainted with these matters as well as gentlemen who are from large cities, I do not feel willing to establish a precedent which will have to be followed. I stated to the committee that I would not agree to support it, and that, I did not think I would oppose it; but there are gentlemen who are Members of the House who, I think, ought to be consulted, at least, about establishing new precedents, and the gentleman from Illinois [Mr. MADDEN] and the gentleman from Texas [Mr. BURLESON], two of the members of the Appropriation Committee, told me they wanted to be present when this matter was considered, and the gentleman from New York [Mr. FITZGERALD] tells me he has just sent for them and they will be here in a moment. And I would be glad if this bill could be—

Mr. TAYLOR of Ohio. All gentlemen on the floor have the opportunity to be here. There is no secrecy about this bill. It has been on the Calendar for the past three weeks. We have no objection to the matter being discussed.

Mr. SIMS. I see that the gentleman from Illinois [Mr. MADDEN] is present.

Mr. TAYLOR of Ohio. If the gentleman from Illinois [Mr. MADDEN] desires to ask me any question or make any statement, he is at liberty to do so.

Mr. SIMS. As I said, I do not want to consent to make a precedent.

Mr. TAYLOR of Ohio. I decline to wait for gentlemen to come on the floor of the House.

Mr. SIMS. I only made the request out of courtesy to the gentleman from Illinois [Mr. MADDEN], and, of course, I can not in any way shape the course of the gentleman from Ohio, in charge of the bill.

Mr. STAFFORD. If the gentleman will permit, I believe that the recommendations of the committee, as embodied in this bill, are in consonance with the practice of some large cities in the country, and conform in that particular to the pensions paid in those cities.

Mr. TAYLOR of Ohio. It does; yes, sir.

Mr. STAFFORD. I notice in the report it is in line with the practice of some of the leading cities of the country, including Chicago, Baltimore, Boston, Philadelphia, New York, Milwaukee, and Pittsburgh.

Mr. TAYLOR of Ohio. And I will say further, for the gentleman's information, that it absolutely establishes no precedent, as these are the only persons whom it can possibly benefit. There are no further persons of that rank who could possibly come within the law.

Mr. STAFFORD. Will the gentleman explain, in view of that statement and the report, whether the provisions of this bill are the same in amount as in the other cities?

Mr. TAYLOR of Ohio. That I can not give in detail, because they do vary some; but I think the pension funds in other cities are at least as large and in some they are larger. The salaries of the officers I know are larger in most of the cities mentioned.

Mr. MADDEN. What was the old law on this?

Mr. TAYLOR of Ohio. These men are drawing under the old law \$50 a month. The present law allows them anything up to \$100 a month. The Commissioners have informed us that the amount in the report will be allowed if this bill goes through. The present law allows \$100 a month to officers up to the chief. The chief would receive \$100 a month if he retired under the present law.

Mr. MADDEN. And under this he would receive \$1,750?

Mr. TAYLOR of Ohio. Or \$145 and a fraction per month. It is not a radical increase. It is simply an attempt to give recognition to a man who has had a most remarkable record in a hazardous service without a mark against his name.

Mr. MADDEN. How many men does this affect?

Mr. TAYLOR of Ohio. Four men and the chief. It can affect no more, we assure you.

Mr. MADDEN. If this bill is passed and a policy is inaugurated, is it not likely that a new bill will be brought in that would affect everybody in the Department?

Mr. TAYLOR of Ohio. There can be no such thing. The House in the last year passed a liberal pension bill. We are only seeking to reach four men who, by reason of retiring a short time before its passage, are barred from this pension.

Mr. MADDEN. There was a time when all the great cities in the country allowed officers one-half the salary at retirement after they had served a certain number of years, but that policy has been changed in some of the cities. It may not have been changed in all of them, but in some of them it has, and the tendency to allow one-half the pay at retirement drew so heavily upon the firemen's pension fund that it was impossible to maintain a fund sufficient to meet it.

Mr. TAYLOR of Ohio. I will state to the gentleman that this measure specifically applies to the present chief only. And then I will state further that there is a large excess of money which can be turned over into the pension fund if necessary; some police court funds, which have never been called upon as yet.

The fund has never reached anything like the limit of being exhausted, and the sum of money involved is not over \$150.

Mr. MADDEN. It is not much; but the question is as to the policy, whether it is wise to adopt the policy.

Mr. TAYLOR of Ohio. The committee feel that it is always wise to recognize cases of such peculiar significance. We have carefully investigated the matter, and I will say that there are no other men employed in this peculiar line of employment with a record that surpasses that of Fire Chief Beit, of the District of Columbia, and for that reason we want to give him this recognition of his service while he lives to enjoy it.

Mr. MADDEN. He is going out of the fire department?

Mr. TAYLOR of Ohio. I hope not; but he is an old man; he may go out at any time the fire bell rings, because he has met with many severe injuries during his career.

Mr. MADDEN. The gentleman from Ohio speaks altogether of the chief of the fire department and his meritorious service, but still the bill provides additional compensation for other firemen.

Mr. TAYLOR of Ohio. For other men who have had remarkably good records, as set out in the report of the committee, and very old men, two of them. The same thing that applies to the chief of the fire department applies to each of them.

Mr. MADDEN. It does not give the same in proportion to others.

Mr. TAYLOR of Ohio. Two of these had long, continuous service, while not quite of the same special merit as the case of the chief of the fire department, but we have extended the same provision to them. These men are on the retired list, and they are barred by reason of that fact.

Mr. MADDEN. They are out of the service?

Mr. TAYLOR of Ohio. They are on the retired list, at \$50 a month. That is the limit; we give them the limit up to \$100.

Mr. MADDEN. Will the gentleman be kind enough to state who they are?

Mr. TAYLOR of Ohio. They are W. O. Drew, the retired fire marshal, who is 79 years of age; W. T. Sorrell, retired assistant chief, 73 years of age when he was retired, and now 79 years of age; C. S. Boss, foreman, now 56 years of age, and the other, W. E. Robertson, now 44 years of age. He was retired at the age of 36, being injured very early in his career. As to the first two, they will get very little out of it, and the other two are very worthy cases.

Mr. MADDEN. The committee has given very careful consideration to the subject, I suppose?

Mr. TAYLOR of Ohio. I will state to the gentleman I am chairman of the committee on ways and means of the committee, and we have gone very carefully over the subject, and if the gentleman will read the report of the committee, he will find that it is much fuller than that of the Senate, and that it is nothing but simple justice to these men.

Mr. MADDEN. I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SMITH of Michigan. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2872 and various House bills and had directed him to report some with and some without amendment, with the recommendation that the amendments be agreed to and that the bills do pass.

Mr. SMITH of Michigan. Mr. Speaker, I move the previous question on the various bills and amendments.

The SPEAKER. Without objection, the previous question is ordered upon the various bills to the final passage.

HOUSE BILLS WITH AMENDMENTS PASSED.

In the following House bills, reported from the Committee of the Whole House on the state of the Union, with amendments, the amendments recommended by the Committee of the Whole were agreed to; the bills as amended were ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed:

A bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes;

A bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia; and

A bill (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia.

SENATE BILL PASSED.

In the bill (S. 2872) to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, reported from the Committee of the Whole with an amendment, the amendment was agreed to, the bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. SMITH of Michigan, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17288, a bill making appropriation for the support of the Army for the fiscal year ending June 30, 1909. Pending that, I would like to ask the gentleman from Texas, representing the minority, how much general debate we can agree on now?

Mr. SLAYDEN. Mr. Speaker, I am unable to say definitely how much will be required. I do not know. There is quite a demand for time for debate on this side of the House, but several of the Members who desired time are not present. They did not expect the bill to be called up so soon. I think they will be here later in the afternoon, and I ask that you let debate go on for the time.

Mr. HULL of Iowa. I ask unanimous consent that general debate may run to-day and that half of the time may be controlled by myself and the other by the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the general debate to-day be controlled by himself and the gentleman from Texas [Mr. SLAYDEN], the time to be equally divided. Is there objection?

Mr. HULL of Iowa. That does not limit the debate, but only arranges for to-day's debate.

The SPEAKER. Is there objection?

There was no objection.

The motion of Mr. HULL was agreed to.

Accordingly the House resolved itself into the Committee of

the Whole House on the state of the Union for the consideration of the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, with Mr. SHERMAN in the chair.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, this bill has been reported and on the Calendar for several days, so that I assume the Members of the House are reasonably familiar with its provisions. In its total amount it carries, in round numbers, about \$7,000,000 more than the bill for the current fiscal year, and yet the committee eliminated from the estimates submitted by the Department something over \$9,000,000, leaving it, as I say, some \$7,000,000 more than the bill for the current year. If we had given the full amount asked for, this measure would carry about \$16,000,000 in excess of present law.

The demand for increases in all lines has been made in such a way that it was almost impossible to avoid a larger increase than we have given. It seems to me that I should now call attention to the items entirely eliminated from the bill by the committee, so that the Members of the House interested in these items can give consideration to the reasons which influenced the committee in their entire elimination from the bill.

The first two items eliminated were in regard to a telephone system at interior posts and artillery posts. There was an estimate of something over \$105,000 for these items, practically new items, and yet, in the judgment of the committee, if the situation were so that we could reasonably allow them, items that would probably be of benefit in the administration of the different posts of the country. But we have gotten along up to this period of our history without this service, and in view of the large increases made in other lines, which were necessary to be made, it seemed to the committee that here was one point at least where something might be saved and allow the matter to go over for another year.

Another item of \$1,000,000 eliminated was for maneuvers. This \$1,000,000 does not represent all that was cut out of the bill on account of maneuvers, because this applies only to the militia, while, if we should have the maneuvers this year, we would be required to have a larger appropriation for the regular establishment than we have given.

The committee, I think without exception, feels that, in reason, the maneuvers by which the regular force and the State militia are brought together are of great benefit. There is no disposition to decry the benefits that have come through the closer association of the National Guard, so called, and the regular establishment. But, Mr. Chairman, these maneuvers have only been of recent years. When started they were to be only about every third year. They have grown up until they are practically now every year. They only benefit a small portion of the guard each year. If the maneuvers were on a different scale, where all the guards of the different States were assembled in their State encampments for their ten days' or two weeks' drilling and representatives of the regular establishment were sent there, so that all arms of the service would be represented, all of the militia of all the States would have the benefit of this close contact with the regular organization every year. Only one regiment at a time from a State can be taken into the annual grand encampment recommended by the Department. That gives but small advantage to the guard as a whole, while if the Regulars were brought to the States, all the guard would have all the benefit each year. Then the Congress once in three years could appropriate for the grand maneuvers, whereby all the guards and all the Regulars could be brought into camps of concentration, and you would have the training that comes more to the officers than men in these grand maneuvers. In fact, Mr. Chairman, I think that a very large part of the demand for the maneuvers on a grand scale each year for the militia comes from the adjutants-general of the States more than from the guard proper. We must not forget that, no matter how we may legislate, the National Guard is primarily a State organization. It is not intended to be and can not be primarily a Federal organization.

Great good is coming to the country, in my judgment, in its thorough equipment and being well disciplined. It makes a reserve force which in case of need can be brought into line with the Regulars and help to hold what we call the first line of defense until the volunteers proper can be whipped into shape. They have a bill now before the Committee on Militia going a long way toward making it more of a Federal than a State organization. What the Committee on Militia may do with

that bill of course no one can yet tell. But I hope they may get it in such shape as to insure its adoption by this Congress.

We had a million dollars last year and a million dollars the year before for these grand maneuvers. I think the year before last was the best maneuvers we ever had, but I do insist that at this time, with our expenses running away with us on other lines, with a budget for the support of the Army increased by seven millions now, and an increase certainly of five millions more if a provision incorporated in the bill increasing the pay of the enlisted force shall prevail, and an increase of \$2,200,000 more if another provision shall be incorporated increasing the pay of the officers, all of which I will come to later—I insist, I say, that this year's maneuvers may well be dropped out. In my judgment, the elimination of this million dollars, with the decrease of some \$500,000 in appropriations for the regular establishment as a result of not providing for maneuvers, is not doing any injury to the service and is in the line of good legislation, under present conditions.

We eliminated entirely \$200,000 for the purchase of special apparatus in the Surgeon-General's Department. That came to us in a supplementary estimate too late to give it the consideration it should have, and, as we had increased the appropriation for the Surgeon-General's medical supplies so that he could accumulate a reserve supply and be ready for an increased Army, we believed that the special apparatus could go over without any injury to the service.

Another estimate submitted to us was \$100,000 to teach rifle practice to children in the public schools. It did seem to the committee that a proposition to take charge of the education of the children in the public schools and teach them rifle practice was going further than was legitimate for this Government to do. I think the committee was unanimously opposed to that; if any were in favor of it I do not now recall. These are the items that we eliminated from the bill.

We have incorporated new legislation, some of it very important. The main if not the only one of general interest and importance is found on page 6 of the bill, after the provision for paying the enlisted men. We have put in a full revision of the pay of the entire enlisted force of the Army. We increased the privates \$2 a month on the first enlistment, and we make a large increase in the pay of the noncommissioned officers. We provide a three-months' practical bounty for each reenlistment so that we can keep in those who have received training. The largest individual increase in the noncommissioned officers is for the first sergeant. He has been the poorest-paid noncommissioned officer of the regiment up to this time. We give him the same pay that we give to the regimental sergeant, the sergeant-major, the quartermaster-sergeant, the commissary-sergeant, and all other noncommissioned staff of the regiment. I want to say that I voice the impression of all the Members of this House who served in the Army at any time in its history, on either side in any conflict, when I say that the orderly sergeant is the most important noncommissioned officer in the regiment. I have had letters from old retired officers since we reported the measure, congratulating the committee on at last doing justice to the first sergeant, as they call them now. We called them while I was in the civil war orderly sergeants. They congratulated me and the committee in doing justice to the first sergeant, and stating that a good first sergeant of a company is worth more than two raw lieutenants who have just graduated from West Point.

They have reached their position by high character and faithful service. Under the law as it stands to-day the Army is and has been losing the best of its noncommissioned officers. Under the law as we have provided it here now, in my judgment, the noncommissioned force of the Army, after they reach the better grades, will make the Army a profession and remain in the Army all their active lives.

I do not believe that the privates will remain in for any great length of time as privates. They may come in for two and possibly three enlistments, but after the third enlistment the man who has not secured some noncommissioned rank, from corporal up, is not considered a very good man to make a good soldier out of—at least that is the evidence before us. This increase of pay will cost us at least \$4,900,000 to meet this increased cost so far as the enlisted force is concerned.

Mr. COOPER of Wisconsin. What are the noncommissioned officers in the regiment?

Mr. HULL of Iowa. Quartermaster-sergeant, sergeant-major of the regiment, commissary-sergeant, all the sergeants of the companies—and I have not given all the others, there are so many of them—and then the corporals. I would have to read from the Army Register to be sure of naming all.

Mr. COOPER of Wisconsin. Everything below a lieutenant?

Mr. HULL of Iowa. Everything below a lieutenant and

above a private; they are grouped in classes in this bill. But I want to call the attention of the committee to the fact that the statement that this will only cost about \$5,000,000 more than now provided may mislead, for this reason: That under the pay of to-day the Army is about twenty to twenty-two thousand short in its enlisted force. I believe that this increased pay, with the increased ration that has been provided by the President—and we appropriate nearly \$500,000 extra to pay for this increase of cost of rations in this bill—will induce enlistments enough to fill the ranks of the Army up to the number now authorized by law.

Mr. ELLIS of Oregon. Can the gentleman tell us what proportion of this increase goes to the private soldier and what proportion goes to the officers?

Mr. HULL of Iowa. Not a dollar goes to the officers. Every dollar of this increase goes to the enlisted force in the Army, but I say it would be misleading for me to say to the House that the total extra expense on account of adopting this amendment will be \$5,000,000, because if this increased pay induces enlistment to the maximum fixed by the President to-day, which is the minimum authorized under the law, and we will have an increase of at least eight or nine million in the pay of the Army—seven million, anyway. We have heretofore cut off part of the pay of the enlisted force in making appropriations for the Army, because we could safely allow for a certain shortage in the enlisted force, but I submit to this committee that what we want in this country is an army filled to the number fixed by the President, which would be about 62,000 men. In a nation of 80,000,000 people, covering the vast extent of territory reaching from the China Sea across the Pacific Ocean, across the continent and over to Porto Rico, with the great Territory of Alaska taking at least 1,000 of our men, with the Hawaiian group taking about 2,000, and certain, I believe, to be increased largely beyond that number in the coast defenses for the protection of that island and our Pacific coast, with the number that we must keep in the Philippine Islands and the number that we must keep here to recuperate, so that we can send them back to the Philippines, saying nothing at all about what we have in Cuba, which I hope will not bother us much longer, we can not afford to have less than 62,000 men in the regular establishment.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Does the 62,000 include those who are enlisted in the Coast Artillery?

Mr. HULL of Iowa. Yes; but not in the Hospital Corps.

Mr. TAWNEY. That includes both branches of the service?

Mr. HULL of Iowa. It includes all branches, but not the Hospital Corps. There are 3,500 in that corps that will not be included in the total given.

Mr. TAWNEY. How many are included in the militia, national or State?

Mr. HULL of Iowa. They have increased their National Guard during the last year. They have now about 120,000.

Mr. TAWNEY. And under the Dick law the President of the United States has the power of calling upon the State troops for any service within continental United States.

Mr. HULL of Iowa. In time of war or rebellion.

Mr. TAWNEY. At any time.

Mr. HULL of Iowa. They are proposing an amendment to this militia bill now, so that he can call them at any time, I think, but that has not been as yet reported from the Committee on Militia.

Mr. TAWNEY. I understood from one of the officers of the State militia in my State that under the Dick law—I have not personally examined it—the President has the power to direct the State militia of the State of Minnesota to go anywhere or in any service if it was confined to continental United States.

Mr. HULL of Iowa. The President, if he can not enforce the law with the regular establishment of the United States, can order out the militia, and this being organized, would have to go first, but whenever there is a riot in the United States, or a rebellion against the constituted authority gets to the point where the regular establishment can not control it, then the limit of the power of the President over the militia is simply the limit fixed by the Constitution, which gives him the absolute control of all the able-bodied forces of the United States to preserve order and to protect property and uphold law any time that in his judgment it is absolutely necessary.

Mr. TAWNEY. That was my understanding, I will say to the gentleman. In view of that, and in view of the expenditures the Federal Government is now making for the maintenance of the National Guard, we have in effect a standing army of almost 200,000 men, or would have if the Regular Army was enlisted up to its maximum under the existing limitation.

Mr. HULL of Iowa. The gentleman is mistaken in that, for this reason, that the line of cleavage between the National Guard and the Regular Army is clean cut from start to finish. You can not send your militia to Porto Rico, you can not send it to Cuba, you can not send it to the Philippine Islands, you can not send it to Alaska, you can not garrison the Hawaiian Islands with it. You have an army in service in the Tropics that can not remain there very long without its being utterly destructive to the health of the men, without destroying the organizations, without making it impossible for us to have an army if it is understood it is to serve in the Tropics continuously, and, as it is to-day, with the number of men we have in the Army to-day, two years is about as long as they can stay at home, and you are paying large sums for transportation every year because you have to be making exchanges so very often with those abroad. The men who come back this year have no certainty they will remain here more than two years before they go back again. That is not fair. If the Army be recruited to its full strength as fixed by the President, there is not any doubt but they will have at least one year longer at home than they now have. Another thing; while I believe that we can organize the militia on a basis of very great help to the Coast Artillery, yet to-day we have not enough regulars to man the guns that are now emplaced to defend our coasts. We authorized enough additional force in the artillery bill of last year to make one shift to the gun at the principal fortifications, but on account of the low pay, on account of the discrimination that has existed against the Army in favor of the Navy in the pay of its enlisted force—and I am not criticising the pay of the Navy—but if a man wanted to go into our service, and it was a question whether to enlist in the Navy or in the Army, if he once understood the great advantages that come from enlistment in the Navy, he would go into the Navy at once. If he came to investigate what was offered him in the Army, he would find nothing to attract him except the enthusiasm that some young men have for wearing the uniform of their country. Now, I believe this bill will give enough increase in our Army in the Coast Artillery to enable us to have one shift—

Mr. TAWNEY rose.

Mr. HULL of Iowa. Now, if the gentleman will hear me one minute on this: I am in favor of going further in the aid of the militia to be trained for reserves for the Coast Artillery than I am in aiding the militia in any other line. I would be willing for the Federal Government to have entire control of Coast Artillery reserves in California, in Washington, and in Oregon, if the people there would furnish the recruits, because it would not be a large expense and would give to our Pacific coast at once a trained body of men who, in time of war, could step into the ranks and serve these great engines of war effectively from the very beginning.

Mr. TAWNEY. Will the gentleman permit me?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. I did not interrupt the gentleman or ask him the questions I have for the purpose of laying any foundation for criticising the proposed increase of the enlisted men of the Army; in fact, we ought to grant some increase to that branch of the service. The fact I wanted to bring out was that for all practical purposes in times of war within continental United States itself we have to-day in effect a standing army of about 200,000 men, and that includes the National Guard.

Mr. HULL of Iowa. In time of war, yes, I think that is true. That is assuming every one of the guard would be able to enter.

Mr. TAWNEY. I mean an organized army of practically 200,000 men. That is what I wanted to bring out.

Mr. HULL of Iowa. Yes; so organized with the idea they could march right in, that there will be no delay in taking their place by the side of the regular establishment, and in time of war I want to say we are better fixed than that because we have a Regular Army that can be expanded immediately to 100,000, with trained officers, trained noncommissioned officers, enough trained privates to insure an effective army. A great many men object to our having so large a force of officers for so small an army, but I want to say to you that a well-trained body of officers is one of the best investments this Government can make, for when the time of stress comes these officers can practically lick into shape in a short time much more than 100,000 of regular force, and can look after the raw recruits and help us out on that. There has been, of course, a very large detail of these officers to schools and for other purposes, so that to-day the line of the Army is not properly officered. But I do not care to discuss that at this time.

There is one feature of this proposed new legislation that I want to call the attention of the House to, and that is found

at the bottom of page 9, and relates to the military regimental bands. There has been for years a very widespread discontent because of the fact that the United States at every place where it had a post large enough for a regimental band was furnishing opposition to men in civil life who made a livelihood for themselves and their families as musicians. It was advertised to musicians as a means of inducing their enlistment into the Army that they could secure profitable employment for private purposes, and the Government paid them such a small stipend that the Government could not have received the enlistment of any musicians unless they permitted competition with outside civilian bands. But, gentlemen, I believe, and the committee, so far as I am able to judge, believe, that when the Government pays practically the living expenses of the man and gives him his \$13 or \$15 a month, his clothing, his house rent, his rations, his medical attendance, that it is unfair to the man in civil life to say that this man can go out and take the bread from the civilians by underbidding him on all these public occasions. And they would not even have to underbid them. If they proposed the same compensation nine times out of ten the glory of a military band would cause the citizens to employ it in place of the other. So we have provided in this bill a substantial increase in the pay of the musicians composing the band. We have made that increase substantially what it is to-day with a reasonable allowance for what they could make in their private contracts, and then make the further proviso that they shall not be permitted under any circumstances to compete with members of bands making their livelihood by their musical performances. In other words, we have divorced army bands from competition with the musicians of this country.

Mr. KEIFER. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HULL of Iowa. Yes, sir.

Mr. KEIFER. I want to know whether the provisions of the bill relating to musicians are such that a band could not go and attend a parade voluntarily, without pay, and thereby take the place of men who are not enlisted musicians?

Mr. HULL of Iowa. I will read the proviso to the gentleman. It says:

Provided, That army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

Now, I should say it would prohibit their going if it cut an outside band out of employment, unless the army band should play free.

Mr. KEIFER. If it is employment that is prohibited, as it would seem by this clause, what would be the objection if the military commander at a post permitted a band to go and play on some parade day, or on some great occasion at some place, some city, or some town for nothing? What is there in the bill that would prohibit that?

Mr. HULL of Iowa. I do not think anything in this bill would prohibit that. That would not be in competition.

Mr. KEIFER. That would be in competition if by their going without pay the other musicians who are not enlisted in any way were not employed.

Mr. HULL of Iowa. Well, it would be a remote danger, and I think the proviso would not prohibit. Take, for instance, the Fourth of July; they always play then for nothing. Take Decoration Day, and wherever there is a post the band always plays for nothing. On occasions of that character this provision, in my judgment, would not interfere with it, but it would interfere with one feature of the matter that I think is a good one. Take, for instance, any Member of the House that represents a large city where there is a military post, and you will find at some of the county fairs they will plead with the Members to get the band sent there. They ought not to be sent to county fairs. They ought not to come in competition where bands play for money. They ought not to come in competition with a man that has to make a living for himself and family without any help from the Government, but by his own individual exertions. I do not believe that it would ever be construed that a band that would, for instance, if they should want to serenade my distinguished friend from Ohio, if he lived near the military post, or was visiting at a hotel near a military post, would not be prohibited. I do not understand that any of the courtesies that are extended would be prohibited, but competition with these bands is prohibited and, in my judgment, ought to be prohibited.

Mr. KEIFER. I agree with the gentleman.

Mr. HULL of Iowa. Now, what I referred to a little while ago was to the fact that we have had a very hard time in securing recruits during the last year, and that in spite of the fact that we authorized a substantial increase in the Coast Ar-

tillery we have been unable to secure enlistments equal to the discharges, so that the Army is to-day smaller than it was one year ago, before we increased one branch of the service. I do not know that all of the fault of this can be laid to the small pay, but I think the larger part of it can. The Army, with the large posts which we are now establishing, with the fewer men to do the work, is a life of comparative drudgery. In the older posts, when they were scattered over the frontier, a little police duty was all that had to be done, and in my judgment the Department did put an additional burden upon the Army during the last year, so that it has made the enlisted men anxious to get out and keep out of the Army. They have introduced the practice march, which in itself is a good thing, and have loaded him with 40 pounds, to see how far he could go and how well he could carry it; and if his luggage did not make that amount, they put in foreign matter to raise it to the 40 pounds. The soldier does not like that kind of business. He did not have to do it, General [General KEIFFER], when you were commanding him in the civil war. He had a wagon to carry his load, and if he did not have a wagon he got a contraband to do it, so that it was not loaded on him. If it becomes absolutely necessary to do this thing, why the American soldier will do it with as good grace as anybody else, but if he thinks it is not, he will escape from it as soon as he can, and he is going to keep out of the service, and going to make straight for his home as soon as his time of enlistment is completed.

Mr. GRAFF. Will the gentleman allow me to ask him a question?

Mr. HULL of Iowa. Oh, certainly.

Mr. GRAFF. I notice that the gentleman from Iowa stated in a general way that there has been a decrease instead of an increase of the men in the Coast Artillery during the past year.

Mr. HULL of Iowa. In the Army, I stated, as a whole. I do not remember whether the Coast Artillery has been able to keep its men.

Mr. KEIFFER. It has not.

Mr. HULL of Iowa. I understand it has not. You will find in the report of the Secretary of War that there is a shortage of about 22,000 men. Instead of being able to keep up, it has run the other way. Now, I think another reason for some of the dissatisfaction is the fact that we have changed our staff system in the Army. We have got now a number of the most active young men in the world in our General Staff; and as we have not a very large amount of actual work to do outside of figuring over how to invade other countries, they are continually hunting up something more for the soldier to do. I am not one of those who believe in so large a General Staff. I believe we have too many of them. I think we would be better off if we had fewer staff officers and more officers with their companies. We have too large a number of schools. I understand we have to-day the best educated army in the world, but sometimes I wonder if we are not in danger of having a little overeducation. I do not think the man ought to be kept in post-graduate schools until he is 40 or 45 years of age before he has had much service in the field, for after that if we should have war I fear he would play the schoolmaster and argue out of going into the field where the fighting is to be done. We have done better with the old organization when we were engaged in war with other countries under the old staff system, better than the German system, so say the experts, who compared the two systems. The German system is largely the one upon which ours is now modeled.

I feel I want to say a word for the old system of the staff. I do not believe in your detailing from top to bottom. I believe in detailing for the lower grade up to lieutenant-colonel and major, and when the officer gets up to that let the detail become permanent. In time of war every officer that is worth a penny wants to be in the field, and they will leave your staff like rats running from a sinking ship, so as to go in the field where they may earn glory, and turn your staff over to young men who have no talent for it, and your staff system will break down at the very time you most need an experienced staff. Make your higher officers of the staff corps permanent and then make them ineligible to appointment in the line, and, in my judgment, this would do more to aid the military organization than almost anything proposed.

But you know we had a war with Spain. We expanded from 25,000 men to 250,000 men in two or three months. There was confusion, there was loss, there was distress, and there will be again if you expand from 60,000 to 250,000 men. But in place of the detailed staff at that time we had the old staff system. Some men say that was the reason we had this distress. It was not the cause of the distress, because the staff corps did their work admirably and well. There was not a man who could be reached by the trains who was not fed every day. They talk

about the distress of bad beef, but you will have it under any system in hot weather where you are shipping it to the Tropics, where you are rushing everything to the front, and your railroads get congested, and the cars stand on the tracks with the ice all out of the refrigerator compartments.

We went to the Philippines. Our troops were cared for there. Fresh beef was distributed to every point where our boats could run every week, even in the Tropics. We went to China under the old-staff system, and when we struck China we came in contact with all the armies of Europe. The German army has been held up as the great organization that is perfect in all its parts. They have their general staff, but what did they do in China? They took their troops to China without clothing suitable to the climate. They took them without food suitable to the climate, or even sufficient in quantity to keep them in comfort, and the officers themselves had to purchase what they wanted to eat through the American commissary, thus administered by an old-staff officer of this country. The Quartermaster's Department of our Army was under the control of a permanent staff corps, the old staff. I think I could take up a great deal of time on this if I wanted to; but I have here a little statement that is made at my request by one of the officers of the Army, who was with the troops in China, and it tells exactly what happened there, and I will ask the Clerk to read it as a part of my remarks. It expresses the facts better than I can.

The CHAIRMAN. If there be no objection, the Clerk will read.

The Clerk read as follows:

In the year 1900 disturbances arose in China which resulted in what has passed into history as the Boxer rebellion. The legations of foreign powers were besieged by armed forces composed of imperial troops augmented by agitators and others. The German minister and the secretary of the Japanese legation were murdered, and the other members of the diplomatic corps were in serious danger of their lives. To relieve them and reestablish order, the troops of eight Governments—America, France, Germany, Great Britain, Italy, Japan, Russia, and Austria—gathered in China for a combined movement against the Chinese. The occasion afforded especial opportunities for comparison and contrast as to the military methods of these Governments and the result of their application.

Particularly interesting was the study of the Germans, who since their successful war with France, nearly forty years ago, have enjoyed the proud distinction of maintaining the most perfect and efficient military organization in the world. All governments to a greater or less extent have patterned after it and sought inspiration from the German general staff in the belief that superiority could be achieved in no way so well as by imitating them and following their methods. If their methods are as good under European conditions as they are reputed to be, they did not stand the test of a campaign a long distance from their base and in a country not provided with useful adjuncts to military operations which an old and thickly settled commercial, manufacturing, and agricultural country like Europe affords.

After the fall of Peking (in which the Germans took no part, as they were unable to arrive in time) the American forces were reduced. When orders were received for the withdrawal of a portion of the force, the rumor soon spread through Tientsin, then the German headquarters, that the Americans had received orders to withdraw. Almost immediately General von Gayl, the German officer corresponding to our chief quartermaster, came to the American military officers in Tientsin, accompanied by a young aide-de-camp, who spoke English perfectly and through whom the conversation was conducted, and said in substance, if not verbatim:

"We understand the Americans have orders to withdraw. I come to say that we (the Germans) will be glad to purchase from you any means of transportation, tentage, forage, subsistence stores, or any munitions or supplies suitable to our use. The price is not a matter of consideration. Our staff has apparently completely broken down, and we are destitute."

The disposition of stores was taken under advisement, and finally it was determined that while the American forces were being largely reduced the situation was such that it was impossible to fix the period of occupation, and practically all the stores were retained in China for the use of American troops, and the matter was not even presented to the Department in Washington.

As visual evidence of the conditions that existed in the German forces at that time, it was noted that German soldiers were walking about Tientsin in uniforms of thinnest khaki of a particularly unsuitable pattern and wearing straw hats until the temperature was so low that icicles were freezing on the eaves of the houses. In this garb these same German soldiers were daily harnessed to carts and Chinese wheelbarrows, drawing water for the consumption of their commands through the streets in discarded American tin cracker boxes and kerosene-oil cans. At the same time the American soldiers, if not in houses, were in tents warmed with stoves, dressed in good heavy woolen clothing and furs, with distilled water delivered to them in Studebaker water wagons!

When the German headquarters finally concluded to move to Peking, the field marshal made the journey from Tientsin to Peking in transportation furnished by the American army, and when he established his headquarters at Peking, it was in houses warmed by American stoves and lighted by American lamps filled with American kerosene, all of which was procured from the American Quartermaster's Department.

After the railroad had been restored and running a short while there was a wreck, which covered the track with freight cars. Chinese methods to clear it away failed. At last the Chinaman had found something that he couldn't lift on his back. No one knew what was to be done. There was too little transportation to burn the cars and sweep away the ashes. Some one said, "Get some jackscrews." None could be found. Finally it occurred to the railway manager to ask the Americans if they had any. There were on hand fifty or sixty that had been sent out not for any particular purpose, but simply because the American Quartermaster's Department knew that situations

arise in campaigns where jackscrews might be very convenient, and they had provided them. So it was with almost everything during the entire winter. The American Quartermaster's Department and the American Subsistence Department, the two great supply departments of the Army, were the object of wonder on the part of all foreign officers who visited them, and without the splendid supplies there to be had the foreign armies would have lacked many dainties and a good many of the essentials which the Americans, in their kindness and abundance, permitted them to share.

This was occurring just about the time of agitation against the American army staff system, which resulted in the change to the present detailed system. Had the conditions above described been known and understood, it is doubtful if any change in a system which showed such superiority ever would have been abandoned.

Mr. HULL of Iowa. Now, Mr. Chairman, I submit that that is a pretty fair illustration of what trained officers, who have spent the larger part of their official lives in studying the needs of the particular department they are administering, can do. It does not make a bad showing for the American staff under the old régime in comparison with a European staff under the modern organization.

Of course, nobody wants to go back to the old cast-iron staff business, but I want to make this prophecy here to-day, that inside of the next few years this Government will have a modified detailed staff, that will train the younger officers in the line for the staff service; and when a man shows exceptional ability as a quartermaster, as a commissary, or any special staff duty, he will be made a permanent fixture in the staff when he reaches a grade not higher than that of lieutenant-colonel; in Quartermaster and Commissary departments not higher than grade of major. I think that is bound to come. We have an anomaly in our staff corps to-day in another thing. The President is not limited in selecting the head of a staff corps to any particular rank. He can take a first lieutenant and put him at the head of any staff corps, and I do not know that it would be proper to try to limit that power; but you have this anomaly. He is detailed there for four years. Suppose that at the end of four years another President comes in, and he does not want him. The officer who has been serving is a captain. There are several of them who are captains.

The President does not want this captain to continue, and he details a colonel at the head of that particular staff corps. What is going to become of that captain? The law provides that when he retires he shall retire with the grade of a brigadier-general, but he can not retire short of thirty years of service, unless a board is convened and declares that he is not physically or mentally capable of continuing in the service. He can not be arbitrarily retired until he is at least 62 years of age. He is compelled to retire at 64, of course; but suppose that at 40 years of age he goes out of one of the staff corps as chief of the corps, and the incoming President will not redetail him. What are you going to do with him? You have got to change your law for his retirement, or else he is suspended in the air for the Lord knows how many months or years, before he reaches the age when he could be retired. There is no place for him to go. He might be a supernumerary captain, for it was not the intention of Congress to provide for his promotion except on the lineal list, and he would hold his place on the lineal list; but his place as captain was filled when appointed chief of his corps, under the theory of the Department that they would detail an officer of same rank for the head of the corps to fill his place, and then he would get his rank back again, in lineal list, when his time as chief expired. But it does not work out that way. This provision was put in in another branch of Congress at the earnest solicitation of the War Department, and was finally agreed to by the House committee in conference. I think we made a mistake that we frequently do, by yielding so much in these controversies. It is better to stand by what you believe even if the bill fail.

Now, I have taken more time than I intended to. Debate under the five-minute rule will allow me to call attention to other measures embodied in the bill. Now, I want to say that there is a constant criticism of the enormous cost of the military establishment, and there has been a disposition at times to compare the cost of the military establishment now to what it was before the Spanish war. There is an enormous increase in the cost of the military establishment, a larger increase than the mere increase of men, because it is a larger increase of munitions of war. It is a larger increase in the transportation and the cost of training than it ever was before. It has been the same pay so far as the enlisted force is concerned, but the increase has come because of the larger field of the operations the Government has entered upon. Simply the increased pay of officers and enlisted men will not account for the large increase of the military establishment.

The Spanish war has been referred to often as being so enormously expensive, and they say that the nation can never be repaid for the treasure it has poured out as a result of that

war. It freed Cuba, and has added enormously to the domain of the United States, whether we want it to remain ours permanently or not. I want to say to the gentlemen of this committee that no matter what has been our expense as a result of that war, all has been more than repaid to the country in the increased good feeling that has come over every section of our land. [Applause.] We are at last a united people. Up to the time the war broke out it was a question whether there was the same loyalty in one section as in the other; but when the flag was raised, and the President called for troops, boys whose fathers served under the stars and bars enlisted with the same enthusiasm as boys whose fathers served under the Starry Banner of the Republic. [Applause.]

And when that great and good President, Mr. McKinley [applause], anxious to see wiped out the last vestige of sectionalism, sent the names of four men to the Senate of the United States to become major-generals, two of them were men who wore the gray and two were men who wore the blue, and the last line of demarcation in this country was wiped out, and I hope and trust in God it will remain wiped out forever. [Applause.]

We are one nation to-day, North, South, East, and West, and the richest and strongest nation in the world. I have no fears of any people on earth trying to humiliate us upon any field of battle, and if they will give us a little more time I am not afraid of any people on earth trying to humiliate us on any ocean in any part of the world. [Applause.]

This country of eighty millions of freemen, who have given demonstration of heroic valor in fighting each other, will not be called upon, in my judgment, to demonstrate its valor in fighting any foreign foe. But if it should come the Spanish war demonstrated that the young men of to-day are as patriotic and as brave and as loyal to the flag as were their fathers. In all wars that may come we can look forward to the future of the Republic with the certainty that, no matter what may come to this country as a menace or danger, the patriotism and loyalty of its people will see that not a star is erased nor a stripe polluted of the glorious banner of our country. [Applause.]

Mr. PARSONS. Will the gentleman from Iowa yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. PARSONS. In striking out the million dollars for maneuvers, do you still leave in anything that will allow general instruction in coast defense?

Mr. HULL of Iowa. I should say not, unless it can be paid out of the regular appropriations. The whole sum was used last year for coast defense. The argument this year was that it was for the entire camps for five or six points of the militia national guard. I would say that if there is a small appropriation necessary in order to enable the coast defense to be carried on, I would give it every year if necessary.

Mr. PARSONS. How much would it need?

Mr. HULL of Iowa. I have no data on that. If the million was intended to cover maneuvers and the coast defense, it would not cost much. They have arranged for five great camps of concentration in different parts of the country, and they have notified each State that it can send one regiment. They may not have notified all of the States.

My State, I think, has been notified that it can send one. I have had letters from the gentleman from Connecticut and from other gentlemen from the East saying that one regiment of each State could go. At the hearing the question was asked of General Oliver:

How many camps will there be?

He answered:

Six or seven. It is proposed to have two on the Pacific, one on the northeastern coast, one in the south, one at Indianapolis, one at Fort Riley, one at Fort Sam Houston.

There is nothing said in this about a single cent for coast defenses or for the reserve militia for Coast Artillery.

Mr. PARSONS. Does the committee intend that there shall be no maneuver of any kind, either in the interior or as to the coast defenses?

Mr. HULL of Iowa. No grand maneuvers. The committee considered the question. Let us take, for instance, the gentleman's own State. All of your militia come together, do they not, each year?

Mr. PARSONS. They do not all come in one year. Part of them do.

Mr. HULL of Iowa. How many regiments come this year?

Mr. PARSONS. I think half.

Mr. HULL of Iowa. How many are there?

Mr. PARSONS. I think we have fifteen.

Mr. HULL of Iowa. Seven regiments, then, come together—

two brigades, practically. I would like to submit to the gentleman this proposition, that when those two brigades get together the Government can, out of this appropriation, order infantry and cavalry and artillery, and a detachment of the Signal Corps, to go to the State encampment and cooperate in these maneuvers, so that this will bring the Regulars and all the regiments of the militia together without costing the Government much, if anything, certainly nothing except the transportation of the Regulars, and does the gentleman not think that his militia will have infinitely more benefit than if one or two regiments only could be sent to a great camp of concentration, where a large part of the time is expended in traveling to the camp and returning to their homes?

Mr. PARSONS. I understand that under this bill that could be done?

Mr. HULL of Iowa. Oh, yes; that could be done, so far as the Regulars are concerned; and I will say to the gentleman that last year that is exactly what was done in my own State. We had all of our militia out for two weeks. We had sent from the Regulars cavalry, infantry, artillery, and a company of the Signal Corps, and all went into the operations, divided into two brigades, two opposing armies. The regular officers were there to umpire the game, to instruct in the maneuvers, where they required it, and our entire militia received the benefit of two weeks of active drill, mock battle, and campaign, where, if we had had a grand maneuver, only one regiment would have had that benefit.

Mr. PARSONS. Can we have joint instruction in coast defense this year without any additional appropriation?

Mr. HULL of Iowa. The gentleman means for the interior defense?

Mr. PARSONS. No; for the coast defense.

Mr. HULL of Iowa. No; I should say that if it was intended to assemble the militia for coast defense, or the militia reserve for coast defense, it would be necessary to have some amendment providing specifically for that.

Mr. FITZGERALD. On that point, in the State of New York there have been organized, or changed, some infantry regiments into heavy artillery regiments. Last year one at least of these regiments was taken into the coast-defense batteries. I am informed that the Regulars acted as instructors of the militia. May not that be done under any appropriation carried in this bill?

Mr. HULL of Iowa. I do not see how the militia could be paid out of this bill. The Regulars could give the instructions and all expenses of the Regulars; but, as I said to the gentleman's colleague, the gentleman from New York [Mr. PARSONS], if it is desired, I certainly would not in any way hamper the fullest instruction of the coast artillery reserves.

I think it is the most important phase of our reserve defense, and while I am not fearful of immediate invasion on the Atlantic coast or on the Pacific coast, yet I believe that because of the fact that it requires special training to know how to handle these great engines of war, we ought to keep our militia in that line well trained. But as to the general grand maneuvers, I regard that the militia are benefited more by their camps of instruction where they are all regiments together in the State, having the Regulars combine with them, and then once in three years have a grand maneuver of all the militia and all the Regulars that are in the country, not so much to give instruction to the men as to give instruction to the officers, and nine-tenths of this instruction they talk about is simply for the general officers.

Mr. BENNET of New York. Is there enough existing law, so that if United States troops came to Peekskill, in our State, and joined with our State militia, the United States troops, for instance, could take orders from a State officer or our State troops could take orders from the United States officer?

Mr. HULL of Iowa. I think where the militia is brought in contact with the Regulars the Regulars have command; but I am not absolutely positive in this.

Mr. BENNET of New York. Is that a matter of statute or practice?

Mr. HULL of Iowa. I think it is statute. In regard to volunteers in the Army the highest in rank commands.

Mr. BENNET of New York. I understood the gentleman to say specifically, under the appropriations as they are reported in the bill, in our State if we got our 14,000 militia together and invited a United States Army man to come there to that encampment there is no money provided under this bill, and properly provided, so those expenses could be paid?

Mr. HULL of Iowa. For the regular force, yes; but I will say to the gentleman further than that, that the United States Government, on the request of your State to do so, would send officers to advise and supervise maneuvers and give the ben-

efit of their instruction in the field, but the problems would be worked out by the militia officers themselves. And it is better for all that this should be so.

Mr. BENNET of New York. But this item for the encampment of the militia does not embrace anything but an appropriation of \$1,000,000; it embraces no change in the law in that regard.

Mr. HULL of Iowa. It is a general appropriation only. I will now yield to the gentleman from New York.

Mr. PARSONS. I will ask the gentleman if that carries out the recommendations made by General Bell and the Assistant Secretary of War in their testimony before the committee in regard to maneuvers and joint instructions in coast defense?

Mr. HULL of Iowa. No; we do not, and we did not carry out their recommendations in several other matters. I want to say to my friend, I wish he would serve on the Committee on Military Affairs some time and see how many suggestions it is possible for a fertile mind to make that is hardly feasible for Congress to adopt. Now, Mr. Chairman, before closing, I have here an opinion from the Judge-Advocate-General that I secured last fall when an immense amount of discussion was going on as to the power of the President to retire officers on account of these so-called staff rides. I asked for the information and it was graciously sent me. It was considered personal at first, but by permission of the Judge-Advocate-General I ask unanimous consent that it may be inserted in the RECORD as a part of my remarks so that we may all have the benefit of it. I regard it as an exceedingly valuable publication.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, November 22, 1907.

Before entering upon a discussion of the question suggested by the Acting Secretary of War, it will be proper to make a brief reference to the existing laws upon the subject of retirement.

History of retirement laws.—Prior to 1861 there was no requirement of statute which enabled the President, save by dismissal from the military service, to divest an officer of the functions of an office which he was physically unable to execute. He may have been disabled for performing his duty by age, wounds, or sickness, and this disability may have reached such a stage as to completely incapacitate him for the performance of any military duty, but, as the law stood, no relief could be afforded by Executive action.

In the summer of 1861 the matter was made the subject of legislative regulation as an enactment which received Executive approval on August 3 of that year, and which authorized the retirement from active service of officers of the Army and the Marine Corps. In a subsequent section of the same statute the retirement of officers of the Navy was provided for.

The act of 1861 provided that—
"If any commissioned officer of the Army or of the Marine Corps shall have become or shall hereafter become incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments." (Sec. 16, act of August 3, 1861; 12 Stat. L., 280.)

The act further provided that the extent and character of the disability should be determined by a retiring board, convened for that purpose by the Secretary of War, with the approval of the President, and it was made the duty of the board to "determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office." (Sec. 17, *ibid.*) If the board found an officer incapacitated for active service it was required to report "Whether in its judgment the said incapacity result from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure therein, or from any other incident of service." (*Ibid.*)

If the conclusion was reached that the disability of the officer was due to any one of the causes above cited, the law provided that—

"If the President approves such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register, or Navy Register, as the case may be." (Sec. 17, *ibid.*)

The foregoing requirements were embodied, with some slight modifications, in the revision of the laws in 1878, as sections 1243 to 1258 of the Revised Statutes.

It is proper to observe that, although the retirement of officers of the Army and Navy was provided for in the same enactment, the nature of the disabling cause is not the same in both cases. It has been repeatedly held by the Secretary of War that the "cause" of the "incapacity" contemplated in the act of August 3, 1861, and section 1249 of the Revised Statutes, must be a *physical* one; that moral obliquity was not had in view, and that an inquiry into an officer's general efficiency would be pertinent only in so far as it could be regarded as going to show that his inefficiency, if found, was the result of an impairment of health. (Paragraphs 2203, 2204, Digest Opinion, Judge-Advocate-General.)

The language used in the clause descriptive of incapacity in the Navy is considerably broader and provides that—

"Whenever any officer of the Navy, on being ordered to perform the duties proper to his commission, shall report himself unable to comply with such order, or whenever in the judgment of the President of the United States an officer of the Navy shall be in any way incapacitated for performing the duties of his office, the President at his discretion shall direct the Secretary of the Navy to refer the case of such officer to a board," etc.

Elsewhere it is provided that, "If such disability or incompetency proceeded from other cause, and the President concur in the opinion of the board, the officer may be retired," etc.

In the legislation above referred to no mention is made as to the manner in which the attention of the Secretary of War may be drawn to the case of an officer as to whose capacity for active service a doubt has arisen. It may be discovered in the ordinary performance of the officer's duty; it may result from the report of an inspector, or may be made the subject of representation by a department commander who is required to—
"assure himself by personal examination and observation that all officers and men under his control are efficient in the performance of duty; that the troops are thoroughly drilled and instructed in their field duties and tactical exercises; that supplies are properly distributed; that proper care is exercised in the purchase and preservation of public property, and that strict economy is exercised in all public expenditures. In his annual report the results of these inspections will be summarized. From time to time he will report, for the information of the War Department, the names of any and all officers belonging to his command who are believed to be permanently incapable, from any cause, of performing the duties of their several grades, both in garrison and in active service. He will also report any errors, irregularities, or abuses requiring the action of higher authority." (Army Regulations of 1904, par. 191.)

Meaning of the term "active service."—In the cases which have recently been ordered before retiring boards, the fact that the officers have been excused from riding, upon the reports of medical officers, or have been found unable to take or complete the test in that regard prescribed by the President, has rendered it necessary, in the opinion of the Department, that their physical condition should be made the subject of examination by a legally constituted tribunal. As a result of such examination the boards are required by law to ascertain the nature, extent, and cause of any disability which may be found to exist, and to determine whether it is sufficient in amount to incapacitate the officer for "active service." In that view of the case it becomes important to determine what is meant by the term "active service" as used in the statutes regulating the retirement of commissioned officers.

Prior to August 3, 1861, the date of the original retirement law, the term "military officers" was applied to the incumbents of military office, and a person who had been duly appointed to office in the Army was such an incumbent; to distinguish them from officers in the naval or civil service officers of the Army were said to be the *military service*, and no other status was recognized in the military establishment save that which attached, as above indicated, to the incumbency of military office. So long as there was but a single status which an officer of the Army could occupy such an incumbent could be described indifferently as being in the *military service* or in *active service*, and both terms had precisely the same meaning.

With the enactment of the retirement legislation of 1861, however, a new status was created, and it became possible for an officer to occupy a status differing materially from that theretofore occupied by him; so that since August 3, 1861, all officers who, in the operation of that enactment, have been found incapacitated for the performance of military duty by reason of age, wounds, or disability have been designated as "retired officers," or as "officers on the retired list," or as "officers retired from active service." But officers of the Army generally underwent no change of status in consequence of the enactment of the retirement law, but remained in the position which they occupied prior to its passage. To distinguish their cases from those of officers who by retirement had been divested of their former offices in the Army they were thereafter described as being in "active service" or on the "active list."

It would thus appear that, in the operation of the legislation above cited, officers at retirement undergo an important change of status, in that they are divested of the offices formerly held by them in the military establishment. Officers not retired, however, continue in the exercise of the functions of military office and, to distinguish the two classes, are said to be in "active service," or on the "active list."

The term "active service" is thus seen to be a legal one, and, as used in the statutes governing the procedure of retiring boards, merely relates to the efficient performance of the duties with which an officer is charged by law, regulations, or the custom of service in the branch of the line or department of the staff in which he holds military office. It has no relation to service in war or peace, or to physical or mental activity, unless such activity is so impaired by wounds, injury, or disease as to have reached a disabling stage. The term simply relates to that period in the career of an officer which intervenes between his appointment to military office and his vacation of such office due to death, resignation, dismissal, or retirement. During this period all officers are presumed to be physically and mentally capable of performing the duties of the offices into which they have been lawfully inducted. If the contrary appears, the law vests authority in the Secretary of War to convene a retiring board and to charge it with an inquiry into the nature and extent of the disability, with a view to ascertain whether the officer is incapacitated for performing the duties of his office.

The active service which an officer is expected and required to perform at all times is determined in part by the legal incidents of his office, in part by the nature and character of the duties performed in the branch of the establishment in which he exercises the functions of military office, and in part by his rank, ability, and experience in the military service. It will thus appear that the various employments upon which officers may be engaged and which constitute "active service" within the meaning of the retirement laws, differ materially in the case of officers in the several branches of the line and departments of the staff. The duties required by law of a colonel of cavalry or of light artillery, for example, are very different from those required of a colonel in the Judge-Advocate-General's Department or a colonel of engineers or ordnance. The duties of a colonel of infantry differ in some essential respects from those assigned to a colonel of Coast Artillery, and quite materially from those which are expected to be performed by a professor at the Military Academy having the assimilated rank of colonel.

The duties of a colonel of cavalry or light artillery, for example, require that the officer charged with their performance shall be able at all times, up to the date of his retirement, to appear mounted while engaged in the duty of drilling and instructing his command, or while exercising the functions of commanding officer of a mounted organization. The duties of an officer of the Judge-Advocate-General's or Medical Department, on the other hand, are largely sedentary and administrative in character, consisting for the most part in office work, in the supervision of hospitals, etc. While such an officer must always hold himself in readiness for a change to field work, riding is not an essential ingredient of the duties which officers of those departments are habitually expected to perform.

In the event of war the law provides that the representatives of the several departments on the staff of a corps commander shall have the rank of lieutenant-colonel, but there is no statute which prescribes the rank of the principal staff officers of a separate army; so that it is only in the event of an extraordinary emergency that officers of the grade of colonel in the departments named would be required to take the field or to do duty which required them to execute marches or perform other forms of mounted duty.

That staff officers above the grade of lieutenant-colonel will receive assignments as the principal staff officers at the headquarters of separate armies in the field in time of war is, in view of the experience gained in that regard during the civil war, extremely improbable. The adjutant-general of the armies operating against Richmond, under the immediate command of Lieutenant-General Grant, was Seth Williams, a lieutenant-colonel; the chief quartermaster and chief commissary were Ingalls and Clark, who were majors. The adjutant-general of the Army of the Potomac was Ruggles, a major; the chief quartermaster was Batchelder, a lieutenant-colonel of volunteers; the chief commissary was Wilson, a captain; the chiefs of engineers were Barnard, a lieutenant-colonel, and Duane, a major; the chiefs of artillery were Barry and Hunt, both lieutenant-colonels. The adjutant-general of the Army of the Cumberland was Whipple, a major; the chief engineers were Michler and Merrill, who were captains.

The colonels, and for the most part the lieutenant-colonels, of the supply departments were employed during that period in the War Department, or at the great arsenals and depots where the supplies were procured or manufactured, and from which they were distributed to the armies in the field. These officers are similarly employed in time of peace, or are serving on the General Staff, as assistants to the heads of Bureaus in the War Department, or as the chiefs of their respective branches of the staff at the headquarters of Territorial divisions and departments.

In some staff departments certain duties of a professional or technical character are vested by law, to which in the ordinary course of administration the higher grades of officers are habitually assigned. Colonels of engineers, for example, are subject to employment as members of certain commissions which are established by law, or they are charged with the preparation and execution of projects of river and harbor improvement, which are of great importance and require in their execution large sums of public money. The senior officers of ordnance are habitually employed as commanding officers of armories and arsenals; and officers of both classes would, from the nature of the services in which they are engaged, continue to be so employed in time of war. Indeed, save on the happening of an emergency which has not yet occurred in the military service, it would be essential to the best administration of the military establishment that the officers in charge of certain public works and of certain armories and arsenals and depots of supply should continue in those posts of duty during the existence of the emergency, and their separation from their posts would seriously hamper the heads of bureaus in the administration of the department under their control.

But the considerations which are to be given weight in this regard are not entirely historical. In 1889 Capt. Oscar Elting, of the Third Cavalry, was brought before a retiring board with a view to determine his liability to retirement. The investigation was directed to three causes of disability:

1. Hemorrhoids.
2. Age.
3. General inefficiency.

The acting Judge-Advocate-General, in his report, says as to the investigation respecting Captain Elting's inefficiency:

"Upon this point I would remark that the investigation into this officer's general efficiency seems to be pertinent only in so far as it can be regarded as going to show that his inefficiency, if there be any, is the result of an impairment of health incident to the service—thus connecting effect with cause. The evidence upon the question of his efficiency is contradictory, but assuming that it does show that he has not been an efficient officer, it does not, in my opinion, connect his inefficiency with an existing physical disability."

As to Captain Elting's age, with its attendant impairment of vigor, Doctor Bailey, a medical member of the board, testified as follows:

"Q. (By the Board.) Do you think he could stand a cavalry campaign?—A. I don't think he could, as I understand a cavalry campaign. Not many men of his age could."

"Q. (By the Board.) Could he stand a cavalry campaign as well as most men of his age?—A. I do not think so; I think he is below the average in physique and capacity to perform duty."

"Q. (By Captain Elting.) Is he physically able to perform the duties of a cavalry officer in the present requirements of the service?—A. Yes; in the everyday requirements of the service at this time. But in the emergencies of the service, which are liable to arise at any moment, he could not."

Now, were this the only evidence of disability it could not, I think, be held to exist, so as to take the case out of the operation of the law regulating retirement for age.

As to hemorrhoids, the report goes on to say:

"In April and May of this year Captain Elting was under the treatment (for hemorrhoids) of Doctor Pope (p. 10 et seq.). Doctor Pope performed certain surgical operations, after which (p. 13) he considered Captain Elting fit for all duty which could be required of a cavalry officer. He knew of no reason why he should not be, his health in other respects being excellent, taking into consideration his age."

"The medical officers of the retiring board reported under date of July 13, 1899 (Exhibit H), that they found Captain Elting suffering from slight external hemorrhoids, and that there were evidences of recent operations performed to extirpate others, the remains of which were still visible, and that he also had hypermetropia in a moderate degree."

"Doctor Pope further testified (p. 75):

"Q. (By recorder.) Is it not a fact in your experience that when an officer of Captain Elting's age and physical condition has had ulcerated hemorrhoids for a number of years, that they are liable to return on his being subjected to a long and hard campaign in inclement weather?—A. I have not had sufficient experience in observing old cases of hemorrhoids that have been apparently cured to answer the question definitely, but I would expect a return of the disease in a person of the Captain's years if he were exposed to prolonged and severe hardship—field service."

"So that the evidence of disability may be regarded as reduced to this: The existence on the 13th of July of 'slight external hemorrhoids,' and the liability of a return of ulcerated hemorrhoids when a person of Captain Elting's age having had them for a number of years is exposed to 'prolonged and severe hardship—field service.'"

It appears that the board erred in failing to report whether the causes of disability which it found to exist in Captain Elting's case

were or were not an incident of service; but this was immaterial, and the acting judge-advocate concluded that:

"Independently of this, I am of opinion that the law contemplates an existing and not a purely prospective and contingent incapacity, and I am further of opinion that the evidence fails to establish the incapacity which the law has in view."

Having regard to the slow and gradual change in respect to standards of physical efficiency which have marked the findings of retiring boards since 1889, it may well be doubted whether an officer in Captain Elting's physical condition would not be permitted to remain on the active list. But this is not material, as the substance of the opinion was that the incapacity upon which the board based its findings must be existing, not prospective or contingent in character.

Having regard to what has been said, the following résumé is submitted as to the functions with which the President is charged by law as the reviewing officer of the proceedings of retiring boards.

1. The duty vested in the retiring board and the President is judicial in character; the board examines the officer, investigates his military record, receives testimony, hears arguments, and, upon a full showing of the facts, reaches a finding as to the nature, extent, and cause of the disability in a particular case. The written record of its proceedings is laid before the Secretary of War, who thus has before him the case that was submitted to the board. If, upon a full examination of all the evidence, he concurs in the conclusions reached, he approves the action of the board and converts what was in the nature of a mere recommendation into a legal and valid finding.

"The finding of a retiring board, approved by the President, is conclusive as to the facts. The board finds the facts and the President approves or disapproves the finding, but the law does not empower him to modify the finding or to substitute a different one. There is here a judicial power, vested in the two, and not in the President acting singly, and when the power has been once fully exercised it is exhausted as to the case." (Dig. Opins. J. A. G., par. 2206.)

In Burchard's case it was held by the Supreme Court that—

"The law requires a record of the proceedings and decision of the retiring board to be made and transmitted to the Secretary of the Navy and by him laid before the President for his approval or disapproval or orders in the case. At first the findings in this case were approved and orders made thereon, but afterwards the Department became satisfied on reexamination that the findings were wrong and that the incapacity was actually the result of causes incident to the service. Neither the Department nor the President could then change the findings, as they had already been approved and were no longer open to review. The action of the President was equivalent to the judgment of an appropriate tribunal upon the facts as found." (Burchard v. United States, 125 U. S., 176-179.)

If the President dissents from the action of the board in any particular—that is, if he regards the investigation as incomplete or defective in any material respect, or if the conclusions or findings of fact reached by the board are erroneous or not warranted by the testimony, or if there is no specific finding that the cause of disability is or is not an "incident of service," he disapproves the proceedings or findings, or both, and thus terminates the investigation.

If the work of the board is defective or incomplete, the analogy in procedure to that of a court-martial would justify, and in some cases suggest, a return of the record to the board for the purpose of having the defect corrected, at the same time furnishing it with the grounds of his opinion. The board may err, as did that in Captain Elting's case, and base its conclusion upon some prospective and contingent incapacity, rather than upon the ability of the officer to render the specific active service which is required of an officer of his grade by law, regulations, or the custom of service. The medical examination may not have been so thorough as to convince the President that the disability which is found to exist constitutes in fact a permanent incapacity. A reasonable prospect of recovery, especially where the disability is due to diseases incurred in tropical service, should never be omitted from consideration in any finding as to the "permanent incapacity" of an officer of the Army.

2. In determining incapacity due to age, the fact should not be lost sight of that age, as a disabling cause, has been made the subject of legislative regulation. Unless there be some active physical infirmity in a particular case, in the operation of which one officer is as much incapacitated at 54 as the average officer is at 64, decisive weight should be attached to the determination in that regard which has been reached by Congress upon full consideration of the facts.

3. It is proper to note that the operation of the original retirement law was substantially automatic, and provided that when a proper and sufficient finding of incapacity had been reached, the officer "shall be retired from active service and placed on the list of retired officers." (Sec. 1251, Rev. Stats.) Since the creation of the limited retired list all officers who reach the statutory age, together with those who fail to pass the physical examination for promotion and those who voluntarily apply for retirement after forty years' service, pass directly to the unlimited list as do those who, having been retired on their own application after thirty years' service or in the discretion of the President after reaching 62 years of age, reach the age of 64 years. It would thus be possible, but hardly probable, that an officer whose incapacity has been established by the findings of a retiring board might find no vacancy awaiting him on the limited list when the findings of the board in his case had received the approval of the President. But as the state of the limited list is known to the Department at all times, the case could hardly occur in which a board would be convened for the examination of an officer without a vacancy existing to which, in the event of his retirement, he could be assigned. For this reason it is believed that the sections of the Revised Statutes which govern in matters of retirement have not lost their automatic quality in the operation of the amendatory legislation of the past twenty-five years.

Very respectfully,

GEO. B. DAVIS,
Judge-Advocate-General.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARSONS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2210. An act to increase the salary of the United States district judge for Porto Rico.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. LONG, and Mr. MARTIN as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I listened with a great deal of interest to the beautiful tribute paid to the country and to all sections of it by my distinguished friend from Iowa in the closing part of his remarks. I have heard these beautiful tributes to what some people unexpectedly found to be the loyal condition of the minds and hearts of the people of the South in 1898. I have heard them around the festive board, as orators say, when noble and generous sentiments were more or less inspired by the rich wines of France and Spain, and bursting forth on Monday morning, as this does, and without any special provocation I was able to discover, makes me suspect that my friend had still lingering with him the memory of a good dinner on Saturday night and its generous sentiments. I could not believe, of course, that he would have done such a thing as to commit a violent assault upon the Sabbath by indulging in a dinner of that sort on Sunday.

Mr. Chairman, speaking seriously, I want to protest in the name of every citizen of my section against the suggestion that the South was not loyal to the Union prior to this little episode known to history as the Spanish-American war. There has been no time since 1870 when, if we were not being treated as stepchildren, the people of the South were not prepared to rally to the flag and defend its honor and, if necessary, to lay down their lives in the defense of the integrity of the country. And I think that before I get through with you I will be able to prove by some figures I shall submit that we have even gone a step further in the process of reconstruction—that we are not only now absolutely loyal and ready to defend the country, but that, like a great many others of our fellow-countrymen, we have our eyes fixed on the pay rolls and the pension lists. But before doing so, Mr. Chairman, I want to invite the attention of the committee for just a moment to the statement of the United States Treasurer, issued on the 21st day of February of this year, the last of these statements that has reached me.

It shows that upon that date, or up to and including that date, the expenditures had exceeded the receipts for the current fiscal year by \$25,119,756.09, and that upon that day the expenses were in excess of the receipts by \$953,347.49. Now, this statement of the 21st of February is very like many others that have reached Members within the last three months. It has shown an unfavorable daily balance. It has shown a state of affairs that if it prevailed in any business house on earth would indicate that that commercial establishment was going at a breakneck pace toward the bankruptcy court.

Mr. BOUTELL. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. BOUTELL. Would the gentleman from Texas also place right in that connection the figures at the bottom of the first page of that daily report, showing the available cash balance on that date?

Mr. SLAYDEN. Yes, Mr. Chairman. I have no doubt that we had a large cash balance upon that day, and that we have also got an enormous reserve capital in the resources of the people, but I am speaking now of the current business of the country. I am endeavoring to show, and I can establish it, I think, by the documents issued by the Government itself, that the receipts are far behind the expenditures for the current fiscal year.

Mr. BOUTELL. Mr. Chairman, will the gentleman yield again right there?

Mr. SLAYDEN. Certainly.

Mr. BOUTELL. I would like to call attention to the vast difference, right at this point, that there is between national and private financiering, and to ask the gentleman whether, with an available cash balance subject to draft of over \$200,000,000, there is anything serious in a monthly deficit?

Mr. SLAYDEN. Mr. Chairman, I do not anticipate the bankruptcy of the Government unless we go on indefinitely making expenditures exceed receipts, but it is as certainly true of the Government as it is of an individual, that if you keep on taking out of your money chest and fail to replace as much as you take out, you will ultimately find yourself with an empty chest. That is true.

Of course, Mr. Chairman, there is no proper parallel between a private business house and the great Government of the United States, which has all the vast wealth of the people to draw from for its necessities, which has systems of taxation that not only enrich thousands of private individuals, but also pile up an enormous surplus out of the people's savings in the Treasury. It is there. Everybody knows it.

Mr. BOUTELL. Right on that point, the distinction between private and public financing, is there any way in which this \$260,000,000 available cash balance can be reduced to a normal point, which, in my opinion, should not be over \$50,000,000, except by allowing the expenditures to exceed the revenues? Or, in other words, by refraining from raising additional revenues until we have reached that point?

Mr. SLAYDEN. Mr. Chairman, I think the gentleman may dismiss his apprehension. We are likely to reduce it to the normal point very soon, to his \$50,000,000, let us say.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. FITZGERALD. Will the gentleman read the excess of revenues over receipts for the corresponding day last year, for the information of the committee, where instead of being a deficit of \$25,000,000 there was a surplus of about \$36,000,000 or \$37,000,000?

Mr. SLAYDEN. Does the gentleman mean the fiscal receipts for that day or for the month?

Mr. FITZGERALD. The gentleman said that up to that time we had this year a deficit of \$25,000,000. Will he now read the surplus of last year up to that day, which in my judgment was about \$36,000,000 or \$37,000,000.

Mr. SLAYDEN. On the corresponding date last year the receipts were \$2,911,000, the expenditures \$2,540,000, the difference being an excess of receipts over expenditures of \$371,938.40. Is that what the gentleman wants?

Mr. FITZGERALD. I mean for the entire year.

Mr. SLAYDEN. And for the year, to the corresponding date, the receipts were \$424,634,143.08, and the expenditures \$387,787,450.22, being a difference in favor of the Government of \$36,896,692.86.

Mr. BOUTELL. Mr. Chairman, with the permission of the gentleman, the surplus for the entire fiscal year last year was about \$85,000,000. That, of course, does not show on that statement. The only point, Mr. Chairman, with the gentleman's permission, I was trying to make, was that the use of that word "deficit" sometimes creates a misapprehension when discussing public finance. In other words, we could now run behind \$50,000,000 a year for four years before there would be any of that misapprehension which would occur to a private business house.

Mr. SLAYDEN. Mr. Chairman, beyond all doubt a country so swollen as the United States can live on its own fat for several years.

Mr. FITZGERALD. They could not do that and apply the amount to the sinking fund under the law.

Mr. SLAYDEN. Now, Mr. Chairman, what I was about to ask is, Is there any particular law of business that will protect the Government and hold it harmless in practices that would mean disaster to the citizen? I have never heard of one, and despite the suggestions that have been made, I do not believe that one exists. The path of wisdom for the individual is undoubtedly in the matter of income and expenses, the same that should be pursued by the Government, and that is to live within your income.

In this connection I want to submit some figures to the Members of this House. They are so large and so important that I feel that they should command their attention and that of the country.

I do so because only a limited number of the Members of this body appear to realize the stupendous total of appropriations that have been asked of Congress by the heads of the various administrative Departments. Plus the extravagant demands of these Bureaus that we are in duty bound to examine are also certain private and special interests that are vociferous in their demands for large appropriations. If we were to yield to all these pretensions we would soon be forced to double all rates of taxation and in the end would bankrupt the Government and the people. We are now almost, if not quite, a \$2,000,000,000

Congress, and permanently so, I fear. At the rate we are traveling we will soon have \$2,000,000,000 sessions, or a \$4,000,000,000 Congress. How long such a scale of extravagance can continue without bringing disaster to the country is more than I can tell.

There is only one way to correct this gross outrage, and that is to reduce expenses. It is plainly and urgently our duty as the representatives of the people and the guardians of their treasure to let none of these measures become law without the most critical inspection and the clearest warrant in justice, and for that reason I earnestly beg your attention to the facts I shall submit.

PENSIONS.

We have on the Calendar now and ready for consideration by the House of Representatives the annual pension appropriation bill. If enacted as reported from the committee, it will take out of the Treasury \$150,869,000.

In the judgment of the Commissioner of Pensions, Mr. Warner, the widows' bill that lately passed this House and is now pending in the Senate, and sure to be enacted, will require an additional appropriation of about \$15,000,000 a year.

Add these items and you will find that we have an annual pension charge of \$165,869,000, a remarkable total that may well make the richest nation in the world "sit up and take notice."

We have the most liberal pension laws of any nation on earth. I think I am safe in saying that we have the most liberal pension laws that any nation on earth ever had. We prodigally provide for every class in the country that can by any interpretation of history or stretch of the imagination be thought entitled to the gratitude of the Federal Government. Yet all of you know that both Pension Committees are fairly overflowing with private bills that provide for original pensions and for liberal increases for pensioners already on the rolls. You also know that the Calendar is choked with this personal legislation favorably reported from the committee, and that on certain Fridays in each month, under the presidency of our most expert, rapid-fire pension speaker, my highly esteemed friend from Rhode Island, these bills, being duly considered and perfectly understood by the Committee of the Whole, are reported to the House with the recommendation that they do pass, and they invariably do at the rate of two a minute. Under the parliamentary fiction we indulge in, they are read, considered, read a third time, voted on, and laid aside with a favorable recommendation at the rate of thirty seconds per bill.

That is not all. From Congress to Congress, in a continuous and ever-swelling chorus, we are urged to provide old-age pensions for civil employees in Washington who have been too improvident to look out for themselves. With each succeeding Congress it is harder to resist their appeal, and I do not doubt that in the end it will be yielded to. Then like the rings made by a stone dropped into a pool this civil-pension system will gradually spread until it will cover the entire country, for what is fair to the servants of the Government in Washington can not be decently denied to those in other places. And just think where it will land us. After a while, when we shall have Government ownership of railways, telegraphs, coal mines, water-works, and bake shops, all among the necessities of modern life, and all vehemently urged by certain earnest men who have not thought out the consequences, we will have a condition that will make government of, for, and by pensioners not only possible but probable, for all these civil employees will finally have to go on the pension rolls.

Where, in God's name, it is all to end I can not even guess. Let us hope that if this madness can not be arrested it will soon complete the circle and develop to a stage where everybody will be on the rolls at the same liberal rate and the plane of equality reestablished.

ARMY PAY BILL.

The bill for the pay of the Army as reported carries an appropriation of \$85,007,506.56.

The text of the bill provides that the pay of enlisted men shall be increased by about 35 per cent, but does not appropriate the money to meet the increase. It is estimated with approximate accuracy that the increased pay of the enlisted men will amount to \$5,000,000. Thus, as you see, the total of this bill should be \$90,007,506.56 instead of the sum that it appears to appropriate.

The Committee on Military Affairs of the House did not report an increase for the commissioned officers, for whose particular benefit the agitation for more pay was really started, and which, as things go, I am not prepared to say is an unreasonable demand. However, it is sure to be added somewhere under this roof, and that will mean at least \$2,000,000 more.

What other increases will be made I am not prepared to say, but you may put it down as a fact that the Army bill will take as much as \$92,000,000 out of the Treasury.

THE NAVAL BILL.

Although the naval appropriation bill has not yet been printed and so made available for the Members of the House, it is said to carry \$103,967,518.43.

It provides for the construction of two battle ships that will cost \$20,000,000, but fails to appropriate for them. It authorizes the purchase of eight submarine boats that will cost some millions, if they are not meantime sunk in a sea of scandal.

Mr. MANN. They ought to rise from that.

Mr. SLAYDEN. With additions to be made, it is quite certain that the naval budget this year will not be less than \$125,000,000.

VOLUNTEER RETIRED LIST.

Pending, but not yet submitted, pressed by a lobby that appears to be resistless, and certain to emerge from the committee some day with a draft on the Treasury that will startle the country, is the volunteer officers' retirement bill.

That bill originally proposed to place certain volunteer officers of the civil war who reached the rank of general on the retired list of the Army, with the pay and emoluments of the rank they held at the time of discharge from the service.

It was suggested by officers of lower rank that they also, while not so distinguished, did creditable service to the Union and should not be discriminated against. They even hinted that there were more of them than there are of the officers of the higher rank, and you may be sure that their protest was heard and that they were taken into camp.

But there is another class, even more numerous, that had not been reckoned with. They were the enlisted men, who found ready champions in my friends, General SHERWOOD, of Ohio, Colonel BRADLEY, of New York, and others who reached high rank in that great war. These enlisted men, in person and through their friends, protested that on them had fallen the brunt of battle, the marches through mud, coarser fare, and greater hazard.

They insisted that they had fought as hard, were in as great danger, and served for less pay, and they even appeared to have the foolish notion that they could suffer the same pangs that officers do. They seemed to say with Shylock:

Hath not a private eyes? Hath not a private hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a general is?

Arguments like that backed by such numbers are irresistible. As one Member significantly said in my presence, "There are more privates in my district than there are officers."

After working over the bill for months the committee found that it could not tell whether the cost of such legislation would be \$25,000,000 a year, as put by one conservative man, or \$65,000,000, as estimated by another.

It was generally thought by the committee that it would cost about \$35,000,000 a year for men who had served in the field for eighteen months. Later, beyond all doubt, the men who served one year or six months, or even ninety days, would surely demand a similar benefaction, and who is there that can doubt that an organized pressure would fail to get it. This \$35,000,000 is, I believe, the figure that the late President Garfield, while a Member of this House, fixed as the ultimate maximum annual cost of all probable pension legislation.

Now, it is worth while noticing, Mr. Chairman, in this connection—and some gentlemen near me say that I have the figures above those stated by Mr. Garfield—it is worth while noting that we are now appropriating in the pension bill a sum nearly five times as great as Mr. Garfield thought would ever be necessary to meet the maximum demands on account of pensions, and the end is not in sight.

Mr. BURKE. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. SLAYDEN. Certainly.

Mr. BURKE. As I understand the tenor of the gentleman's remarks, which have been very instructive to me, at least, his complaint is that these increases in the expenditures through the channels of pensions are a general evil; that is, that he regards the increase as an evil.

Mr. SLAYDEN. I do not think the gentleman could so understand me, for I did not say it. I have simply stated certain facts and leave the House to draw its own conclusions.

Mr. BURKE. Well, the gentleman's remarks would seem to discourage that.

Mr. SLAYDEN. If a mere statement of the truth discourages them, perhaps so.

Mr. BURKE. My purpose was to inquire of the gentleman regarding the increases.

Mr. SLAYDEN. I am stating the facts, letting the gentleman and the House draw their own conclusions from those facts. At the beginning of my remarks I observed that I would, without comment or expression of opinion, state certain facts. I do not object to saying to the gentleman, if he wants my personal opinion, that I do regard national extravagance as an evil and a great evil.

Mr. BURKE. The gentleman indicated that these increases that are now going on were intensified by the possibility of Government ownership of water and railroads.

Mr. SLAYDEN. I did not quite catch the gentleman's question.

Mr. BURKE. The gentleman has further indicated that these evils would be intensified when we come to acquiring title as a Government to the waterworks and the railroads of the country, which would to that extent increase and possibly make necessary a civil pension list. If that be so, I want to ask the gentleman what is his attitude toward the only gentleman in this country who has advocated the public ownership of railroads?

Mr. SLAYDEN. Mr. Chairman, out of courtesy to the gentleman nominated the other day on the floor of the House I take it that the nominations are closed. [Laughter.] I thought that the gentleman from Illinois had settled that matter, and I shall not discuss the matter my friend has in mind.

Mr. BOUTELL. It was unanimous in this House.

Mr. SLAYDEN. Mr. Chairman, these figures seem to disturb my friend from Pennsylvania so much that he would like to switch the discussion off to personalities and reopen the Presidential convention. I am not going to permit it to be done, but I am going to conclude my remarks by giving a brief summary of the figures I have submitted.

First, let me say that I am also informed that the Committee on Militia will bring in an increased appropriation bill. As to what amount I am not informed.

Mr. MANN. Not an appropriation bill?

Mr. SLAYDEN. Yes.

Mr. MANN. The Committee on Militia does not make an appropriation bill.

Mr. SLAYDEN. I am also informed that this Committee on Militia had a proposition—formulated by the National Guard, for the purpose of being offered by the committee—which is intended to set up a bureau in the War Department, officered and directed by members of the National Guard, which would have been the entering wedge that would ultimately have led to an appropriation that no doubt would have gone up into scores of millions each year. And think what a plea the friends of the measure could make. How plausible would the argument be that the real defense of this country rested upon the National Guard—the volunteer soldiers!

How reasonable would the argument be, in view of the importance of the National Guard, that a paltry million or two appropriated for them, in comparison with the hundred or more millions appropriated for the Regular Army, was illogical and inadequate, and how effective would be an appeal to the friends of the militia? It would bring to the support of their measure the local influences from your district and from mine and from every district in this country. Once started upon that line of legislation, there is no telling where it would end or how much money it would take out of the Treasury. Now, let me give you—and I invite the particular attention of my friend from Pennsylvania [Mr. BURKE] to these figures—a summary, and I beg him to take it home with him and consider overnight and see if he does not agree with me that these are rather big sums of money to be taken from the taxpayers. There is the pension bill, \$150,869,000; the widows' pension, estimated, \$15,000,000; the Army pay bill, with an estimate of increases, \$92,007,566.56, and naval bill, \$103,967,518.43, with battle ships authorized in the bill, but not provided for by appropriation, \$20,000,000; making a sum total of \$381,844,084.49.

Now, let us add the volunteer retired officers' bill, and taking a low estimate of \$25,000,000, which I think my friends who served with me on that committee will admit is rather below than above the mark, and we have a grand total of \$406,844,084.49. Divide the first of these sums by the number of days in the year and you will find that the taxpayers of this country are now paying more than a million dollars a day for military purposes and for the consequences of war. No government on earth, not even the great military kingdoms of Europe, expend anything like as much for this purpose as we do. Then take this grand total of \$406,844,084.49 and divide it in the same way, and you will find that it will cost over \$1,100,000 a day to pay the military expenses of the Government. I ask my friends

from the rural districts to consider what these figures mean. It will take 22,000 bales of cotton at 10 cents a pound to pay the daily military expenses of the country; it will take 8,000,000 bales a year at the same rate to pay them; and it will take 400,000,000 bushels of wheat at \$1 a bushel to pay the annual military charges of the nation. Whether \$1 is above or below the average value I am unable to say, but I have dimly floating in my mind an idea that it is a fair market price. I need not suggest to Members of this House that if they want their rivers and harbors improved, if they want their commerce developed, if they want public buildings in their districts, they should call a halt to this military extravagance. One will benefit your constituency, the other is a burden to them. One spells construction, the other destruction. One will add to the sum of human happiness, the other to its miseries. It is your opportunity and it is your duty to make a choice. [Applause.]

Mr. HAY. Mr. Chairman, I now yield forty-five minutes to the gentleman from Iowa [Mr. HAMILTON].

Mr. HAMILTON of Iowa. Mr. Chairman, it is with some little temerity that I rise to address the House at this time. Perhaps, being a new Member, it may be an assumption on my part to undertake to tell the older Members what sort of legislation we ought to enact, but when I consider the interests that the constituency which I represent have in the legislation that is being and ought to be considered by this House, I will certainly be excused for inflicting myself upon you for a brief time. We have during the general debate at this session heard considerable discussion with reference to the President's message, some criticising and some eulogizing. I may, perhaps, during the course of my remarks either criticize or eulogize the President of the United States. I shall agree with him where, in my judgment, he agrees with me. Some of the doctrines which he promulgates in his message, and especially the second message, are the doctrines that I have been taught from my boyhood, and understand to be the doctrines of genuine Democracy. There is no question but that at this time our country is in sore distress for some cause or other. Out in my part of this great country along last fall when the people were exceedingly prosperous, when the granaries were full and prices were good and the bank deposits were exceedingly large, they went to bed on Saturday night feeling happy and awakened Monday morning with the banks of my State, in many places, practically closed, and they were unable to withdraw their own money that they had deposited in them.

They at once asked the question, and the people of this country are asking the question to-day, What is wrong? Many remedies are suggested to relieve this condition of affairs. Among others we have been told upon the floor of this House, we have been told throughout the length and breadth of this country, that we are much in need of an elastic currency, of more currency, but when we contemplate the conditions that, in my judgment, brought about the panic which is now upon this country, we need less elasticity in the consciences of the high financiers of the country rather than elasticity in our currency. [Applause on the Democratic side.] Whether I am agreeing with the President or he with me, I contend that one of the first remedies that ought to be applied is that, so far as the National Government has the power, it ought to prevent stock gambling, watering of stock, and the illegitimate conditions which exist in the great money centers of this country that are withdrawing from the legitimate business of the country the money that ought to be engaged in taking care of the products of the land. I contend that if this sort of legislation were placed upon our statute books, so far as we have the power to place it there, and the doors of these institutions that are but little less than gambling houses were closed, the capital which seeks investment there would seek investment in the honest business enterprises of the country, and it is a question whether under such conditions we have not a sufficient amount of currency to carry on the legitimate business of the country. You can not prevent capital from seeking legitimate investment if you will close the doors of the houses of gambling and speculation.

Capital is greedy, and if there is an opportunity presented whereby it thinks it may obtain 100 per cent profit, it will pass by the legitimate enterprise where there is only a promise of 5 or 10 per cent profit and take its chances in the speculative or gambling institutions. But if you will close them, if it is possible for it to be done by national legislation, that capital which seeks investment in those institutions will at once seek investment in the legitimate enterprises of the country. I hope that the prophecy made by my colleague from Iowa [Mr. HEPBURN] upon the floor of the House a few days ago will come true and that before this session closes there will be measures brought upon the floor and passed by this House proceeding as far as

possible to the protection of the people from the gambling and speculative institutions of the country. I contend that it is not paternalistic legislation; it is only legislation that throws a protection around the party who by his labor and his intelligence produces the wealth of the country. The industrious citizenship of the United States is not asking for any paternal legislation. The people are not asking for legislation that will put a dollar in their pocket that is not placed there by the production of their hands, because they know, as all of us know, that there is only one way of legislating a dollar in any man's pocket, and that is by legislating it out of another man's pocket. [Applause on the Democratic side.]

They are not asking for such legislation. They are only asking for such legislation as will protect the wealth of this country in the hands of the industrious and intelligent individual who produces it and prevents its being diverted from its legitimate channels by the so-called "captains of industry" of this country. [Applause on the Democratic side.] I stand here as measure, whether it comes from that side of the Chamber or a Democrat, but it makes no difference to me who proposes the from this, I, as a Representative of my constituents, will heartily support measures that I believe will bring about this result. We have heard considerable upon the floor of this House, and all over the country, with reference to the power of the corporations, trusts, and combinations, and how they have imposed upon the rights of the people. Legislation has been proposed by the introduction of bills by Members on both sides of this Chamber looking toward the protection of the people from the impositions of these great trusts and combinations. The President of the United States has sent two messages to this Congress concerning some of these questions, and I desire now to read from the first message delivered to this House upon the question of tariff legislation. I read from his message as follows, speaking of the revision of the tariff:

The question should be approached purely from a business standpoint, both the time and the manner of the change being such as to arouse the minimum of agitation and disturbance in the business world, and to give the least play for selfish and factional motives. The sole consideration should be that the sum total of changes represents the public good. This means that the subject can not with wisdom be dealt with in the year preceding a Presidential election, because, as a matter of fact, experience has conclusively shown that at such a time it is impossible to get men to treat it from the standpoint of the public good. In my judgment the wise time to deal with the matter is immediately after such election.

That is the statement from this message, and it is conceded by gentlemen upon the other side of this Chamber that tariff reform is needed at this time. It is advised that we must revise the tariff, yet we are told that it is unwise to do so preceding a Presidential election. I call attention again to the second message of the President of the United States, which was sent to this House at a time when the financial conditions in this country were in a turmoil; sent to this House at a time, if there ever was a time, when men should be conservative and not attack the financial interests of the country, when these great financial institutions were trembling to the very foundation—the President of the United States sends a message to this House impressing upon us the importance of some legislation that he considers it necessary in order to prevent the "malefactors," as he terms them, from robbing the people.

I say here, whether it be a eulogy upon the President or not, when he wrote this last message to this House I believe he did right in calling our attention to the financial conditions of the country and in calling our attention to the dishonesty in some of the places of high finance. But the reason I have called your attention at this time to the two messages is to now say to you that if the President was right and logical when he wrote the last message, attacking some of the great business interests, and I contend he was, then it is utterly impossible for him to have been logical when he wrote the first message to Congress and said that we should not revise the tariff at this session. [Applause on the Democratic side.]

There was much more reason for not sending the last message, upon the logic that he gives for putting off the revision of the tariff until after election in the first message. The tariff ought to be revised, and I believe we all publicly concede that it ought to be revised. I do not think there is any Member of this House upon either side of the Chamber who contends publicly that the tariff ought not to be revised. Even the gentleman from New York [Mr. PAYNE] a few days ago said to us upon the floor of this House that the next Republican platform would declare for a revision of the tariff. Why revise it? Revise it because under and by reason of the present schedules of the Dingley tariff law the corporations and trusts of this country are permitted to extort from the people more than they should of the production of honesty, industry, and intelligence, and, as long as it is only attacking them, why not revise it at

this time? What business will it interfere with? No other business in the world except the business of robbing the people. [Applause on the Democratic side.] Then why put it off until after the Presidential election? Not only we upon this side of the Chamber are contending that by reason of the present schedules the people are being robbed annually, but I have here and will read to you from a newspaper clipping what a gentleman said who was in the city of Washington a few days ago trying to get a measure through this House for the appointment of a tariff commission, and I give you his figures. This gentleman was Mr. Van Cleave, president of the National Association of Manufacturers. He says:

From one-half to two-thirds of the stuff made under this tariff bears to the consumer an unjust and unreasonable price because of the tariff. It is estimated by competent authorities that the graft overcharge and wrong done the American public because of the present tariff reaches \$3,000,000 a working day. We have the facts, schedule by schedule, and are prepared to make the details public should we receive opposition to our demand for a permanent tariff commission, through the appointment of which a proper adjustment of the tariff can be procured.

We are not agitators or reformers. We are mostly Republicans, and all protectionists.

If the statement made by this eminent gentleman is true, then by reason of the present duties of the Dingley tariff law the people of this country, the consumers, if you please—the common people who use the articles that are manufactured by these trusts and combinations and sold to them under trust and combination prices—are annually paying \$900,000,000 more than they ought to pay. Why not revise that now? Why permit these trusts and corporations to have this \$900,000,000 a year of the people's money until after the next Presidential election? [Applause on the Democratic side.]

Yes, they tell us that there will be a plank in the Republican party platform for a revision of the tariff. It is not stated whether that revision will be up or whether it will be down. We do not know anything about it. There have been measures introduced upon the Republican side of this House at this session of Congress placing certain articles upon the free list, among them petroleum, wire, lumber, and so forth. We do not anticipate a report of any bills by the Ways and Means Committee that were introduced by Democrats, but if you will report out of the committee the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN], putting petroleum on the free list, we will all vote for it. It is right. Why not do it?

The President, in his second message, refers to the Standard Oil Company as one of the great malefactors. We find that a fine of \$29,000,000 was assessed against the Standard Oil Company, which has not been paid. But there is an opportunity for us, the representatives of the people, the servants of 80,000,000 people, to inflict a fine upon the Standard Oil Company which will amount to something and one which the manipulators of the Standard Oil trust can not by a simple twist of the wrist compel the people of the country to pay, and which we may do by placing petroleum upon the free list, as called for in the bill of the gentleman from Wisconsin. Why not do it? If we are after the Standard Oil Company, let us not content ourselves by fining them for violation of the laws of the land, but let us say to them, "You have violated the laws of this country; you have imposed upon the people, and we will take away from you the protection afforded you under the Dingley tariff law." Let us not be content with compelling them to pay a fine, but compel them to leave millions of dollars of money in the hands of the poor people who have to use their products. [Applause on the Democratic side.] Other measures have been introduced at this session looking toward tariff revision. No Member will arise upon the floor of this House and proclaim that some of the measures introduced by gentlemen upon that side of the Chamber are not just, the only contention being that they should be postponed until after the next election.

I ask that *this House this session of this Congress* pass some of these measures that will in some way show the good faith of the powers who control this House. I want some Members who think, as has been stated, that the convention which meets at Chicago is going to place in its platform a tariff-revision plank to do something to show the good faith of that plank. I want some earnest money. Pass some of these bills introduced by gentlemen on the other side of the Chamber in order that we may have something by which we can avoid the statute of fraud after the next Presidential election. [Applause.]

Let me say to my friends on the other side of the Chamber that you can not go before the people of this country at another election and rely upon the fact that you have introduced measures in this House tending to tariff revision under the conditions that now exist. It is true that you have introduced bills to place petroleum and other articles on the free list, and you

can go back to your constituents and say to them: "Why, I introduced this measure. That shows we are in favor of tariff revision. The bill died in the committee; consequently we could not get it passed." But let me say to you, and say it in all candor, before a single one of these measures was introduced you had voluntarily and of your own will placed it absolutely beyond your power to have them considered. You tied your hands securely by the adoption of the present rules of the House and in selecting your Speaker. Under the conditions that exist you have done, to illustrate, the same as the man who went out to fight his adversary and before entering the ring had his hands tied behind him. He voluntarily and of his own will secured a referee to referee the fight who he knew did not want his adversary touched.

That is the condition that prevailed when you introduced these measures. Therefore I contend that now is the time, because of the necessity, that these schedules ought to be revised; and we ought now, and we have the time at this session, to take up these matters, look into them, and do something to protect the people from the enormous amount of money that is annually being paid, as the figures have been shown to you that we are paying, in excess of what we should to these corporations.

These great corporations may submit to legislation that will only trim off the rough edges. But when you come to lay the ax at the root of the tree, when you come to strike at the evil, to strike at the thing that enables them to control the markets of this country, you will find them all standing together. Therefore, I contend, as a representative of my constituents, that the thing we ought first to do is to strike at the very root of the power of the trusts of this country and take away the power to drive out competition.

I have heard it asserted upon the floor of the House that the duty upon a certain article was too insignificant to afford the trust or combination power to raise the price to the place where they are maintaining it. I desire to give you my idea of how they do this with this sort of a tariff.

To illustrate: I live in the State of Iowa; my friend here [Mr. HAMMOND] lives in the State of Minnesota, just across the line. He is manufacturing an article that he can sell in the State of Iowa for \$10. I am manufacturing the same article in the State of Iowa. I secure an act of the legislature of my State, conceding they have the power to pass such a law, placing a duty of \$2 upon that article. I place it upon the market at \$11.50. My friend from Minnesota has to leave the State of Iowa, because he can no longer compete with me. After he has gone back home and sought other markets, I raise the price of my article to \$15, \$18, or \$20. Why, you say, it is not the tariff that permitted that rise in price. Why? Because the price has gone up so much higher than the original price of the article and the duty added. The reason is, my competitor knows that the minute he comes back to the State of Iowa, if he knows enough to transact business, I can put it down again to where he can not compete with me. That settles it. I, by combination and trust methods, control the market within my State limits, and I can sell the article at any price consumption will stand. [Applause.] That is the way the tariff works for the trusts and combinations of this country; that is why it ought to be reduced and save the people annually, according to the figures I have given you from the statement of Mr. Van Cleave, \$900,000,000, an amount sufficient to pay all the expenses of the Government for one year. The people are not opposed to paying any tax that may be necessary for the support of the Government economically administered.

Their patriotism will lead them to make any sacrifice that is necessary to support the Government. The only thing they complain of is that, under the guise of supporting the Government, you have made the schedules so high that these corporations are permitted to take from them more for the domestic article than they should by rights receive.

Therefore, I repeat it again. Let some of these measures come out of the Committee on Ways and Means, let them be passed, and show to the people of this country our good faith.

And I want to say to my friends upon the Republican side of the House that with all of the abuse that you are heaping daily upon the head of John D. Rockefeller you have fooled the people for a long time in making them believe that there is no duty upon petroleum; but when the intelligent people of this country thoroughly understand the condition of this matter I say that you will be held responsible for not passing the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN] or some other measure of that kind. [Applause on the Democratic side.] And you can not avoid it. You can not take consolation from the old maxim, "We must all hang together or we will hang separately." [Laughter.] But I want to say to you

that the American people are aroused, not like a mob, not like a rabble, but an intelligent people moving steadily forward, and they are not going to be disappointed any more. You will have to suffer the consequences of the new maxim, "Either separate or you will all hang together." [Applause on the Democratic side.]

I desire again to call attention to the last message of the President of the United States, and I do hope that some of the things he has advocated in that message may become a law at this session. I should like to have an opportunity of sitting in my seat in this House and voting for them. And again, if the facts are true, as stated by the President in his last message, it is the most scathing indictment that was ever written against the statesmanship of this country for the last twenty-five years. If conditions exist as is there claimed, and I admit they do, who is responsible? Why is it that the malefactors and the high financiers of this country have been permitted to impose on the innocent citizenship of the nation? Who has had charge and control of every branch of the Government—legislative, judicial, and executive—practically for the last forty years? It is that statesmanship, I care not of what political party, that is responsible for the conditions of which the President of the United States speaks. I say that if it is not true, it is the duty of every man who is a Member of this House to rise in his place and declare it to be untrue, and to oppose the President of the United States upon these propositions. The indictment is written, and you must either plead guilty to it or you must fight back. There is no defense except to show that the allegations of this message are untrue. We ask you today, What are you going to do about it? Are you going to admit that the party that has had control of this Government for the last twenty-five years has been derelict in its duty and has failed properly to care for the interests of the people? You can not plead ignorance, because from one end of this land to the other the Democratic party has been telling you for these many years that just such a condition as now exists would come to pass unless there was some legislation to prevent it.

While this corruption that is now complained of was attaining the stage that it has reached, while it was springing from the fertile soil of industry and prosperity in this country, you were told that unless certain legislation was placed upon the statute books it would finally become so powerful and grow to such wonderful stature and would extend its branches and ramify to every part of the Government and business interests of the country until it controlled them. You did not listen, but you sat beneath its protecting shade and told the people of the country simply to have confidence in you and you would protect them. It seems to me that when this second message was read, which so thoroughly attacked the tree of corruption that has grown up and sheltered many statesmen of this country for the last twenty-five years, some one certainly would have the gratitude to rise up and say:

Woodman, spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protect it now.

[Laughter and applause on the Democratic side.]

The people of this country are intelligent. The patriotic American citizen has come to the condition where he thinks, where he reasons, and there is no other logical conclusion to be arrived at, except to hold responsible for the conditions that now exist the party that has been in control of the affairs of the nation and to demand that that party surrender control. You contend that some legislation has been enacted which is beneficial to the people of the country. You cite us to the rate bill and several other measures. We concede that some measures have been passed which are beneficial to the people and that perhaps others may be passed at this session of Congress; but remember there has not been a measure along the line of reform passed by this House or the last House, and there will not be a measure passed by this House that has not been wrung from you by compulsion from the White House; and you had as well say to me that you can conduct a religious crusade with men who have been compelled to confess their Christ at the muzzle of a gun as to conduct a political reform by the men who are compelled to pass legislation because they are afraid of losing their office. [Applause on the Democratic side.]

There are a host of statesmen in this country who for twenty-five years have been preaching the doctrine of the President's message. They are honest. They are not spasmodic. They have preached it because they believe it is right. They are determined to carry this measure to the line of absolute justice, and the people are not going to longer trust it in the hands of those who have either been incompetent or negligent

as to the interests of the people. They are determined to have men without entangling alliances or former condition of servitude. [Applause.]

No one can logically maintain that if the conditions exist which the President in his message says do exist, they could exist without incompetent statesmanship or negligent statesmanship which permitted them to reach the point they now occupy. These are facts which you must meet. These are facts upon which the people want clear declarations. They are not longer content with the proposition that after the next Presidential election we will revise the tariff. Some one is going to be fooled about that plank in the platform. I do not know who that fellow is. They are going to say, "We are in favor of revising the tariff, but we do not know whether it is the fellow who wants it revised up or the one who wants it revised down that is going to be satisfied when the revision comes;" and I say with all candor that I do not believe that the profession in that platform that they intend to revise the tariff is an honest profession. I believe they want to deceive somebody, or else they would revise it before election.

They want to say to some fellow over here who wants the schedules raised, "Why, we have not said which way we will go; we will probably put your commodity up." And then in the State of Iowa, where the people want a revision, they will say, "We are going to revise the tariff as soon as the Presidential election is over." The people can not, the President claims in his message, be cool and deliberate just before Presidential elections. He claims they can be cool and be deliberate enough to enact legislation affecting the most critical financial condition that ever existed in the country, but not to revise the tariff. I maintain that he is right in the first instance, and therefore, as a matter of fact, wrong in the last.

But the people are going to demand something to show them that they may be satisfied, that they may know that when the tariff is revised it is going to be revised in the interest of the consumers of this country once at least, and that is what we desire. [Applause.]

It does not make much difference what you place in the platform, either at Chicago or at Denver. The people have awakened; they have not lost confidence. No; it is not the lack of confidence on the part of the people, but the people have come into an actual knowledge of conditions. [Applause.] They are determined to remedy them. Their platform is made and they are going to stand upon that platform, and it is sufficient by which to measure every principle or every problem for solution in this country to-day. It is the Democracy of Jefferson, "Equal justice to all men and special privileges to none" [applause]; the Republicanism of Lincoln, "A government of the people, by the people, and for the people." [Applause.]

Mr. HULL of Iowa. I now yield fifteen minutes to the gentleman from Indiana [Mr. HOLLIDAY.]

Mr. HOLLIDAY. Mr. Chairman, I propose to devote a few moments to the consideration of that portion of the Army bill which deals with the pay of the enlisted men of the Army. I realize that I am breaking all precedents when I get up and talk about an appropriation bill and address myself to a feature of that bill, but I will take that risk, and I want to call your attention briefly to that measure herein proposed.

The Committee on Military Affairs recognize the fact that something must be done to keep the ranks of the Army complete and full. It is necessary that better inducements should be held out to men to enlist. We must realize that men in going into the ranks of the Army and binding themselves to serve three years are entitled to something more than the wages they can earn at home. If a man is working at a job and he does not like his job, he can quit it and hunt another. If an officer of the Army gets tired of his employment, he can resign and go home, but when an enlisted man gets tired and goes home before his time is out he gets into serious difficulty.

That matter ought to be considered in fixing the pay of the private soldiers, and therefore the committee, after giving the matter careful consideration, was of the unanimous opinion that something should be done and unanimously agreed upon what that should be. Mr. Chairman, the world has been made up of hero worshippers ever since it existed. We hear through all ages and all times the praises of the great leaders of men in military campaigns, but we hear comparatively little or nothing of the men who actually win the battles. The great war heroes of history—Alexander, Caesar, Charlemagne, Napoleon, Frederick the Great, Von Moltke, Oyama—won their victories, not because of their transcendent military genius, but because of the magnificent quality of the fighting men who were in the ranks of their respective armies at that time. [Applause.] I believe that when the future history of our country is written the historian will not find that in the late Spanish

war any great amount of military strategy was displayed. We will search the pages of future history to see where any one man particularly distinguished himself, but the historian of the future will say to the world that the fact was demonstrated that the American Regular Army, for its size, was and is the best fighting machine in the world. And I think that these matters should be considered, and I think here and now in this great forum of the people somebody should pay a tribute to the men behind the guns.

Mr. Chairman, I sometimes visit the great graveyard over the river, that Valhalla of America, and I like to gaze upon those magnificent monuments erected there. I like to read and contemplate the great historic names inscribed there, but my profoundest reverence is moved when I come to the monument inscribed to the unknown dead, the monument erected to the memory of men of whom the world knows nothing except that they gave the free full measure of their lives that the country they loved so well might live. No artist, no sculptor, has made marble effigies of these men. The poets have not sung their praises, nor have writers sounded their virtues, but they did their duty, silently, unobtrusively, gallantly, they gave up their lives that the country might applaud whom? Simply the men who led them! And so, Mr. Chairman, while I would not remove one laurel from the wreaths that encircle the brows of the great heroes of our own country or any other country, I think the time has come when at some place and in some manner—and no other place could be more fitting than this great forum of the people—somebody should pay some tribute to the gallant men behind the guns and in the trenches. [Applause.] The inquiry may be made why we did not in this bill provide for an increase in pay of the army officers. I recognized, and I think every member of the committee recognized, that the junior officers of our Army are underpaid, that their pay ought to be increased, but there is not the same present demand for it, and the explanation of that is very simple. We can not get the men that we want, and we can get every officer that we want without any trouble at all; and so while we believe there is an emergency requiring the increase of pay for the officers, we do not believe that that emergency is so great that it will justify us in increasing it on an appropriation bill.

I would like to see this House at this time pay the usual tribute to the gallant enlisted men of our nation by passing this bill without a single dissenting voice, without a single question being raised as to our right to put it here. It would be a splendid tribute to these men, and they have had little enough of it. We have listened for days and hours and almost weeks in the committee to the troubles of the men who wear swords, as to whether some man should be a quartermaster, as to how this man should be assigned, and how the situation should be arranged, and how many more or less of officers should be here in Washington, but it is very rarely that our attention has been called to the men who will have to win our battles in the last analysis, if we ever have any battles. So, I say to you, my friends, without regard to politics, without regard to feeling in this matter, let us pay this tribute to the men. Let it be said that when the question was raised of doing tardy justice to the gallant men who fill our ranks, every man in the American Congress stood as a unit in his behalf. [Applause.] I do not believe you can do it on any other bill. I am generally opposed to legislating upon an appropriation bill, but I believe that this should be made an exception, and I hope it will be made an exception and I hope that no man will arise in his place and prevent us from doing now and at once what we ought to have done a good many years ago.

Just now there is a great deal of public sentiment aroused in regard to these matters. The people are getting clearer light about it; we are getting clearer light about the men, the enlisted men, the world all over. In other words, the time has come when the great leaders of men, the Napoleons of finance and others, must be laid aside for a few minutes while we consider the plain, common American with whom we have to deal. As Lincoln once said: "God must have loved them or he would not have made so many of them." I desire here to state in my place in the House and everywhere else, whenever the question comes up of lifting up the whole mass of humanity in the United States, I lend my voice and my vote and my influence to it, and whenever the question comes of doing something for these modest, quiet, uncomplaining men, who serve their country day and night and who have practically parted with their liberty in order to help the country, then I am glad to have an opportunity of saying and doing something in their behalf. [Applause.] I think few men realize, who have never passed through it, just what it is for a man to say by a little stroke of the pen, "for three years I am not my own master. I go where I am ordered, I eat what I can get, I wear the clothes

prescribed for me; in war or in peace, in cold or in heat, by night or by day, I hold myself ready and pledged to obey orders given me whether I like them or not." We ought to consider that, and I hope we will do it. There is no question of politics embraced in this, there is no question of antagonism to the higher officers embraced in it. If anybody imagines from what I have said here on this occasion that I feel any resentment toward the men who command our Army, I want to disclaim it here and now. The only point I want to urge is that they have plenty of men to look after them at both ends of this Capitol; especially at the other end they are competent to take care of those gentlemen day and night, but it is seldom we hear of a proposition to take care of the men who have no representatives or lobbyists here and who could not get here and talk to us unless they left their posts of duty, for which they would be sent to jail or made to wear a ball and chain. Let us remember them, gentlemen, let us do them substantial justice, and let us do it now and do it quickly. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, I desire to read a copy of certain resolutions adopted by the executive committee of the National Editorial Association of the United States at its recent meeting held in this city on January 27. I respectfully invite the attention and consideration of this committee while these resolutions are being read, assuring you that this memorial voices not only the sentiments, but the will and the wish of the entire fraternity of newspaper publishers of this country, if I am correctly advised, and I believe I am. The publishers of 10,000 newspapers, both large and small, of this great nation most justly ask and demand, Mr. Chairman, that the tariff on wood pulp be removed; for by the operation of this tariff not only are our forests being devastated, but competition has been stifled and the cost of print paper has been practically doubled within a very short time. The tariff on wood pulp is not therefore a protection to our rapidly disappearing forests; it is not a protection to the people or to labor. Can anyone tell why or what the tariff on wood pulp does protect except the trusts? And I might add this is also true in very many of the protected articles. I do not care to enter into any discussion of the tariff question at this time, for many of the publishers, no doubt a majority of them, who make up this great editorial association are of political faith opposite to mine, and for sundry reasons would not care or desire to have so humble an instrument chop at the rotten roots of our protective system. The fact remains true, nevertheless, that both the Republican and Democrat publisher alike is dead against this wood-pulp duty and the promise to remove the tariff at some future time does not sound good in his ears.

We talk of the power of the press; we tell the editor when we are running for office of the great influence he wields for good and civic righteousness, and what wonders the printing press has accomplished. We tell him how it has made possible our present high standard of civilization; but whether you are sincere or not, my fellow-colleagues, when you give utterance to such sentiments you tell the truth, and the exact truth, too. Without the press the Bible to-day would be found only on high spots, in sacred sanctuary, a roll of parchment here and there. Where only a small per cent of our 80,000,000 of people are to-day unable to read, without the newspapers and the press only a small per cent could read. All of these facts you well know. What, then, is the duty of Congress? Is it right to make this powerful agency for good—and the pulpit and the press go hand in hand to lift up humanity and to elevate and better the condition of all mankind—pay tribute to a greedy few? Must we wait until a few in control of this House conclude, in their great wisdom, the conditions are ripe? Do you say to the newspaper publishers, "When we get ready we will attend to this wood-pulp business?" No; in words you do not; you would not dare to say this, but by act you do. A good Republican colleague has introduced a bill to place oil on the free list. He is a friend of the people. He means well, but he is a new Member, like myself, and has not learned that this is neither the time nor the place to do anything for the people. He does not know that this can only be done in the presence and by the consent of John D., king of petroleum; Harriman, king of the rails, and the party leaders. But listen, at least, to the petition sent to you by the newspapers from every Congressional district and from every State in the Union:

MEMORIAL.

To the honorable Senate and House of Representatives of the United States of America:

Whereas it has been established beyond controversy that the forests of the United States that afford pulp for the manufacture of print paper are being rapidly exhausted and are under control of a combination that prevents fair business competition; and

Whereas the labor in paper mills of the country amounts to only \$4,200,000 per annum, and the condition of manufacture of paper is such as to make successful competition possible with the markets of the world without protection; and

Whereas the labor employed by newspapers effected by the existing combinations and the tariff is forty times as great as that employed in the paper mills, and is entitled to consideration and protection against the results arising from the demolishing of our forests, and against a movement that has taken advantage of tariff legislation to oppress and tax a purely American industry; and

Whereas a tax upon news print, or the material entering into the manufacture of the same, is a tax upon knowledge and upon the education of the people: Therefore be it

Resolved, That the executive committee of the National Editorial Association of the United States, representing 10,000 daily and weekly newspapers of this country, respectfully memorialize the honorable Senate and House of Representatives of the Congress of the United States to remove all duties on printing paper, wood pulp, and all materials entering into the manufacture of printing paper.

The people are impatient for a revision of the tariff, but the newspaper publishers are even more impatient that this wall of protection be removed; that all materials used in the manufacture of printing paper be permitted to enter this country free of duty. They ask this, Mr. Chairman, not some time, not at some convenient season, but at this session of this Congress. I therefore earnestly entreat you that their demands may have your speedy and favorable consideration, and permit me to add that it strikes me that this distinguished body has time to burn, time to kill, that ought to be employed for the betterment of all the people and cease to be what it appears to be a new Member to be—a stand-pat, do-little bunch. [Loud applause.]

Mr. PARKER of New Jersey. Mr. Chairman, on behalf of the chairman of the committee, I yield forty-five minutes, or such time thereof as he may desire, to the gentleman from Massachusetts [Mr. WASHBURN].

The CHAIRMAN. The gentleman from Massachusetts [Mr. WASHBURN] is recognized for forty-five minutes.

Mr. WASHBURN. Mr. Chairman, I send to the Clerk's desk and ask to have read a communication, which, in common with the Senators and other Representatives from New England, I have received from the Boston Wholesale Grocers' Association.

BOSTON WHOLESALE GROCERS' ASSOCIATION,
Boston, January 29, 1908.

To the honorable Senators and Representatives of Massachusetts and the New England States:

The following resolutions with regard to the Sherman antitrust law were unanimously passed at a meeting of this association held January 9, 1908, and by the Executive Association of the Wholesale Grocers of New England, January 14, 1908:

"Whereas the wholesale grocers as well as merchants in other lines of business throughout the country are confronted with serious obstacles as to trade agreements; and

"Whereas his excellency the President has declared that there are good agreements as well as bad agreements, but unfortunately the Sherman antitrust law makes no distinction between them; and

"Whereas the Sherman antitrust law prohibits all agreements and such as we believe are beneficial to society and necessary to the success of all business; and

"Whereas there is a difference between an agreement that amounts to a conspiracy to extort exorbitant prices, and an agreement which only seeks to secure the existence of the dealer, customary forms and terms, uniform prices, and a reasonable margin for service rendered the manufacturer in the distribution of his product in detail; and

"Whereas what we should have is a law that will enable us to protect ourselves from dishonest, deceptive methods in business, graft, discrimination, and criminal competition, by having reasonable agreements between ourselves and the manufacturer, in no way injurious to the public and beneficial to all, and with the power and right to enforce them; such agreements not to be operative until indorsed by the Interstate Commerce Commission:

Resolved, That the Sherman antitrust law, in so far as it prevents agreements not injurious to the public, is detrimental to the interests of merchants, and tends to stifle and prevent organization and co-operation among trade associations, which seek only to preserve their commercial existence in the face of the efforts of powerful and selfish monopolies to gradually eliminate the individual dealer.

Resolved, That if a proper legal construction of antitrust laws embodies a prohibition of cooperation among merchants, said laws are fundamentally wrong in their conception, enactment, and operative effect and require amendment.

Resolved, That we earnestly request the Senators and Representatives of Massachusetts and New England to use their best efforts to have the Sherman antitrust law amended so as to be agreeable and consistent with the sentiments and suggestions of the preamble and resolutions contained herein, or its superseded by a new law which shall make a distinction between good agreements and bad agreements.

Resolved, That the law should give a clearer, more definite definition of what shall constitute illegality in trade agreements and the conduct of associated effort. It should contain provision that the Interstate Commerce Commission shall give hearings to such business interests as desire to make trade agreements not inimical to the public good, and said Commission shall decide whether such agreements are legal or illegal."

WM. J. SEAYER, Secretary.

Mr. WASHBURN. In his first message to Congress, in December, 1901, the President of the United States, in speaking of trusts, said:

There is a widespread conviction in the minds of the American people that the great corporations known as "trusts" are, in certain of their features and tendencies, hurtful to the general welfare—it is based upon sincere conviction that combination and concentration should be not prohibited, but supervised.

In speaking of the same subject in his message of December, 1905, he said:

It is generally useless to try to prohibit all restraint on competition, whether this restraint be reasonable or unreasonable; and where it is not useless it is generally hurtful.

And again, in the message of December, 1906:

The actual working of our laws has shown that the effort to prohibit all combinations, good or bad, is noxious where it is not ineffective.

And finally, in his recent message to Congress, the President said:

The antitrust law should not be repealed, but it should be made more efficient and more in harmony with actual conditions. It should be so amended as to forbid only the kind of combination which does harm to the general public, such amendment to be accompanied by or to be an incident of a grant of supervisory power to the Government over these big concerns engaged in interstate business.

The present construction of the Sherman antitrust law works a hardship in that it prohibits reasonable as well as unreasonable agreements in restraint of trade, and its amendment is urgently demanded. The history of this piece of legislation is most instructive, illustrating as it does the difficulty in always reaching by legislation the evil which it is sought to remedy. It may fairly be said of the Sherman Act, which became a law in 1890, that at first it entirely failed of its purpose; that it was successfully invoked against combinations of labor which it was never intended by its framers to affect, and that when so construed by the Supreme Court as to become completely effective it almost compelled the formation of the modern trust as we have known it for the last ten years, and worked a great hardship upon the business community in forbidding all agreements in restraint of trade, whether reasonable or unreasonable.

The objection to combination is, in general terms, this:

That the great aggregations of capital which now exist in various branches of business are harmful to the people in that they make possible a monopoly of many articles necessary to our comfort and well being and leave in the hands of the few the regulating of prices at which such articles shall be sold, and that by the stifling of competition thus effected prices are unduly enhanced and that the few profit at the expense of the many.

This question has been agitated for hundreds of years. The freedom of the labor contract was not recognized during some centuries, and as long ago as 1349 and 1350 the famous "Statutes of Laborers" was passed in England, by reason of a scarcity of laborers caused by the great plague, which provided substantially both that laborers might be compelled to work and that the rate of wages should be legally limited. This statute was passed to prevent laborers from combining against their employers. In the reign of George I an act, known as the "Bubble act," made it a crime punishable with death and confiscation of goods to form voluntary associations and to issue transferable shares, and the courts declared that the clubbing together of numbers of persons with transferable shares for the purpose of carrying on trade is calculated to put down individual industry and competition. In the reign of George III two statutes were enacted—one to prevent combinations by partnership or otherwise in the purchase or sale of bricks, and another declaring it unlawful for five or more persons to unite in covenant or partnership to purchase coals for sale.

These three statutes, it will be noticed, are intended to prevent combinations to govern prices for certain commodities. In England in the seventeenth century four-fifths of the common people were employed in agricultural pursuits; their wages averaged from 4s. to 6s. a week, and every laborer who received more and every employer who gave more than the authorized sum was liable to punishment. Manufacturers complained that English mechanics exacted a shilling a day, and the cry of labor against capital was as bitter as it has ever been in our day.

Some of our own early legislation is of the same character. In 1633 a statute enacted by the general court in Massachusetts Bay limited the wages of carpenters, masons, and other mechanics to 2s. a day, and several instances occurred where men were fined for receiving 2s. 6d. a day.

The authorities fined merchants for too high prices for their wares, and in 1634 the general court limited the rate of profit at 4d. in the shilling.

One of the colonial acts entitled "An act against oppression" punished by fine and imprisonment such indisposed persons as may take the liberty to oppress and wrong their neighbors by taking excessive wages for their work or unreasonable prices for merchandise or other necessary commodities as may pass from man to man. Another act required artificers or handicraftsmen meet to labor to work by the day for their neighbors in mowing, reaping of corn, and in the innings thereof.

Some of our town records show that under the power to make

by-laws, the towns fixed the price of labor, provisions, and several articles of merchandise as late as the time of the Revolutionary war. Experience and increasing intelligence led in time to the removal of all such restrictions and to the establishment of freedom in all branches of labor and business.

A monopoly has been defined as a grant by the sovereign power of the exclusive right to make or deal in anything, and, of course, strictly speaking there is no such thing as a monopoly in this country; but they did exist in the early history of England, and so great did this abuse become that, upon his accession, in 1623 James I voluntarily rescinded all the exclusive privileges by which his predecessor had attempted to restrict domestic commerce. The foreign trade, however, still remained under the control of the great merchant companies, comprising in all about 200 citizens of London, who, by combining among themselves, raised or lowered prices at their pleasure. By the "statute against monopolies," passed in 1623, all past monopolies were abolished and the power of the Crown to grant them in the future was explicitly denied, excepting in the case of patents for inventions. Inventors of new manufactures were to have conferred upon them the exclusive privilege of practicing such inventions for a limited period of time.

I have stated that the English statute of monopolies, so-called, was confined to domestic commerce, while the foreign trade remained under the control of the great merchant companies, a conspicuous example of which was that incorporated by Queen Elizabeth in 1599 under the name, "Governor and Company of Merchants of London, Trading in the East Indies." The East India Company was in the hands of a few merchants who through it became enormously wealthy, and was a sort of monopoly which would not be tolerated at the present day.

Everyone understands that at common law monopolies and contracts in restraint of trade, although not misdemeanors or indictable offenses, have always been held to be void, but in addition to this many statutes have been passed of a restrictive nature, and probably the members of our State legislatures, who have been passing bills in such profusion in recent years against combinations of various sorts, would be surprised to know that as long ago as 1844 the English Parliament repealed almost as many laws against badgering, ingrossing, forestalling, and regrating as have been passed in this country in the last twenty years. This act of 1844 abolished eighteen English, ten Scotch, and eight restrictive Irish statutes.

The only point that I would make here is that this evil of combinations had long been recognized, and had long been legislated against, but that such legislation was found to be of little avail. I referred a moment ago to the fact that at common law monopolies and contracts in restraint of trade were void. The common law, so-called, of England, that is to say, to adopt the definition of Chancellor Kent: "Those rules of action which do not rest for their authority upon any positive declaration of the will of the legislature," was early adopted and is the basis of jurisprudence in America in all the States, excepting Louisiana, so that without regard to any statutes it has always been the law in this country that monopolies and contracts in restraint of trade are void. As all lawyers and most laymen know, there are two grounds for the doctrine that such contracts, as applied for example to the individual, are against public policy; one is the injury to the public by being deprived of the restricted party's industry, and the other the injury to the party himself by being precluded from following his occupation and thus prevented from supporting himself and his family. Take a very simple example: If a shoemaker were to agree that he would never again prosecute his business, this would be a contract in restraint of trade which would be void for the reasons which I have given, but there is the important limitation which governs such contracts, and it is that a contract which is only in partial restraint of trade is good if not unreasonable and supported by a consideration.

It is not always true that competition is the life of trade, for it often may be the ruin of business, and this fact has been recognized by the courts.

This, then, was the law in this country from the earliest times, and it may be briefly stated as follows:

That the validity of contracts restricting competition was to be determined by the reasonableness of the restriction. If the main purpose or nature and inevitable effect of the contract was to suppress competition or create a monopoly, it was illegal; if a contract imposed a restriction that was unreasonably injurious to the public interest or a restriction that was greater than the interest of the party in whose favor it was imposed demanded, it was illegal; but contracts made for a legal purpose which were not unreasonably injurious to the public welfare and which imposed no heavier restraint on trade than the interest of the favored party required had been uniformly sus-

tained, notwithstanding their tendency to some extent to check competition. Under this construction of the law there had grown up a habit, particularly among manufacturers and merchants, of forming associations, the rules of which fixed the prices of the products, which all the members of the association were supposed to adhere to, and these associations were commonly spoken of as combinations, and as time went on the prices of a large variety of products were regulated in this way. To be sure they were not strictly adhered to, but the general results were thought to be advantageous to the producers. These so-called "combinations" were popularly considered to be inimical to the public interests, and since 1888 a large number of States, at least thirty-seven, have passed "antitrust laws," designed to prevent combinations of this sort. Some of these statutes were very drastic.

As a rule, legislation of this sort was not effective, either because it did not go far enough or went so far as to be unconstitutional. Furthermore, as practically all our large business operations are interstate in their character some national legislation was clamored for.

This led to the passage of the so-called Sherman Act of July 2, 1890, which was passed with a view, as it was then stated, to extend the provisions of the common law to interstate commerce, over which Congress has control, and to enforce that principle by a suitable penalty. Consequently the act recites that every contract of combination in restraint of trade or commerce among the several States or foreign nations is illegal, and that every person engaged in such combination or a party to such a contract shall be punishable by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or both. This act was thought to be in the interests of the people in that it would prevent combinations which might unduly enhance the prices of articles. That this was the intention of the framers of the law is very clear from an examination of the debates in Congress, in the course of which Senator Hoar said:

We have affirmed the old doctrine of the common law in regard to all interstate and international commercial transactions.

Senator Sherman said:

It does not announce a new principle of law, but applies old and well-recognized principles of the common law to the complicated jurisdiction of our State and Federal Government. Similar contracts in any State in the Union are now by common or statute law null and void.

It is clear enough from the debates in Congress that all that this act was intended to do was to extend the provisions of the common law to interstate commerce.

Labor organizations were evidently not thought of, and indeed this legislation, if it were passed in the interests of any class, must be presumed to have been passed in the interest of wage-earners. It is instructive, therefore, to examine the cases which arose under this act and to observe how uniformly the act failed to prevent the alleged abuses which it was supposed to remedy—how almost invariably it was held to apply to combinations of labor which it was not framed to reach and, finally, how its construction by the Supreme Court has led directly and of necessity to the formation of the great trusts of the present day. One of the early cases that arose under this act was in 1892. It appeared that a distilling and cattle-feeding company, organized under the laws of Illinois, obtained control of seventy other distilleries by purchase, renting, or lease, and controlled 75 per cent of the entire product in the United States, and were thus able to control the price at which they would sell to dealers and at which dealers should sell. The company also promised that, if purchasers would buy all their supplies from the company's agents and would not sell below the list price, they would receive a rebate.

Now, this would appear upon its face a contract of the nature intended to be reached by the Sherman Act, but this was not the opinion of the court, which held (52 Fed. Rep., 104; 1892) that this was not a monopoly, because there was no exclusive right to engage in the business of distilling and others were not prevented from engaging in the business and was not of the general character necessary to constitute an unlawful contract in restraint of trade.

The same reasoning was applied by another court in a case which arose in the same year, in which it appeared that the dealers in lumber had combined and raised the price 50 cents a thousand. The court said (52 Fed. Rep., 646; 1892) that this contract was not in contravention of the Sherman antitrust act, because it did not involve absorption of the entire traffic in lumber and was not entered into for the purpose of obtaining the entire control of that traffic, so that—and it is unnecessary to multiply the examples—the act, so far as it affected the trade combinations, was almost entirely futile, but, curious to relate, this act was successfully invoked against combinations of labor.

We all well remember that in 1894 there was a strike at the

works of the Pullman Palace Car Company, the operatives having been refused an advance in wages, whereupon Debs and his associates, members of an organization known as the "American Railway Union," endeavored to compel the Pullman Company to yield by preventing the railroads from using Pullman cars, and strikes for this purpose were incited among the employees of some of the railroads. The plan of the boycott, as shown by the evidence, was this: The members of the American Railway Union, whose duty it was to handle Pullman cars, were to refuse to do so, with the hope that the railway companies, fearing a strike, would decline further to haul them in their trains and inflict a great pecuniary injury upon the Pullman Company. In case the railway companies failed to yield to the demand, every effort was to be made to tie up and cripple the doing of any business whatever by them, and particular attention was to be directed to the freight traffic, which was known to be their chief source of revenue.

As the lodges of the American Railway Union extended from the Allegheny Mountains to the Pacific coast, it will be seen that it was contemplated by those engaged in carrying out this plan that in case of a refusal of the railway companies to join the union in its attack upon the Pullman Company there should be a paralysis of the railway traffic of every kind throughout that vast territory traversed by lines using Pullman cars. It was to be accomplished, not only by the then members of the union, but also by procuring through persuasion and appeal all employees not members, either to join the union or to strike without joining, by guaranteeing that if they would strike the union would not allow one of its members to return to work until they also were restored.

The court held (62 Fed. Rep., 801; 1894) that such a combination, with the purpose of paralyzing the interstate commerce of the country, was an unlawful conspiracy, and was within the act of July 2, 1890. An injunction was issued against Debs and his associates, and this and other kindred cases aroused much discussion of the subject of "government by injunction."

As one judge put it:

The primary object of the Sherman Act was undoubtedly to prevent the destruction of legitimate and healthy competition in interstate commerce by individuals, corporations, and trusts grasping, engrossing, and monopolizing the markets for commodities, but its provisions are broad enough to reach a combination or conspiracy that would interrupt the transportation of such commodities from one State to another.

But by the judgment rendered by the Supreme Court March 22, 1897 (17 S. C. R., 540), the Sherman Act received a construction very different from any that had been given to it in the lower courts. It appeared that some eighteen railroad companies had formed an association known as the "Trans-Missouri Freight Association," and were engaged in transporting freight among the several States and had certain agreements touching the rate of freight, etc., such as are common in similar associations, and a bill was brought against the association for the purpose of dissolving it, the contention being that the association was in direct contravention of the provisions of the Sherman Act, but the lower courts held that the agreement on which this association was based could not be held to be a contract or conspiracy in restraint of trade under the antitrust act, that the contract was reasonable, and that the tendency had been to diminish rather than to enhance rates. (58 Fed. Rep., 58.)

When this case got up to the Supreme Court, however, not only was this opinion reversed, but the whole law on this subject was changed, and it was held that contracts declared by the Sherman Act to be illegal included all combinations in restraint of trade, whether they were such as were held legal or illegal at common law and whether the restraint proposed was reasonable or unreasonable. The court referred to the fact that it was claimed that Congress had passed this act merely to restrain such trusts as the beef trust, Standard Oil trust, steel trust, barbed-wire trust, sugar trust, cordage trust, cottonseed oil trust, whisky trust, and others, but said that the results of combinations of all kinds have an essential similarity and have been induced by motives of individual or corporate aggrandizement, as against the public interest; that such combinations, by dictating the price at which the article shall be sold, have a tendency to drive out of business all the small dealers; that it is in the power of such combinations to deprive the country of the services of a large number of small but independent dealers, and that such a transference of the independent business man into a mere servant or agent was not for the interests of the country, and that the Sherman Act applied to all contracts in restraint of trade, whether they be reasonable or unreasonable.

It followed from this decision that all contracts affecting interstate commerce which in any way restrained trade, whether reasonable or unreasonable, were invalid.

This decision in the Trans-Missouri case had a powerful influence in hastening the formation of the great consolidations or trusts with which we are familiar.

The decision of the Supreme Court has, as a matter of course, been followed by the lower courts. The trade combinations, which before that decision had been held to be legal, were by it made illegal. It became impossible, therefore, for manufacturers and others safely to enter into any agreement, however reasonable, for the maintenance of prices, and hence they were driven to the conclusion that if they could not combine they must unite; in other words, it being illegal for A, B, and C to agree together to maintain reasonable prices for their products, they were compelled to consolidate their interests to get the protection they needed.

The packing-house consolidation was the direct result of the interpretation of the law by the Supreme Court, to which I have called your attention. The packing houses, prevented by the law from agreeing upon a scale of prices, consolidated the competing industries into one great corporation.

Mr. Knapp, chairman of the Interstate Commerce Commission, has said:

I believe the most mischievous piece of legislation in the history of the country is the Sherman antitrust law, as interpreted by the United States Supreme Court. It is intolerable and strikes a blow at development and progress.

The Sherman antitrust act should be amended so that contracts not illegal at the common law—that is, contracts made for a legal purpose, not unreasonably injurious to the public welfare, and which impose no heavier restraint on trade than the interests of the favored party require—should not be forbidden by the Sherman antitrust act. [Loud applause.]

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17288) and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 406. An act granting a pension to Calesta Clark—to the Committee on Pensions.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

CHANGES OF REFERENCE.

By unanimous consent, change of reference of the following bills was made from the Committee on Mines and Mining to the Committee on Public Lands:

A bill (S. 206) to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo fork of the Bitter Root River.

A bill (S. 129) to validate the location of mineral claims heretofore made by deputy mineral surveyors during their incumbency in office.

A bill (H. R. 15443) to authorize the exploration and purchase of mines within the boundaries of private land claims.

By unanimous consent, reference of the bill (H. R. 17824) for preventing the manufacture, sale, or transportation of adul-

terated or unlabeled paint, turpentine, or linseed oil, was changed from the Committee on the District of Columbia to the Committee on Interstate and Foreign Commerce.

CHANGE OF CALENDAR.

By order of the Speaker, under the rules, reference of the bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company, was changed from the Union Calendar to the Private Calendar.

ADJOURNMENT.

Mr. HULL of Iowa. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting report as to cost of lighting certain public buildings in Washington and recommendations in regard thereto, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KIMBALL, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1059), which said bill and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16644) to ratify and confirm an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Wailuku, on the island of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1060), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15444) extending the time for the construction of a dam across Rainy River, reported the same with amendment, accompanied by a report (No. 1061), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17227) to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth, reported the same without amendment, accompanied by a report (No. 1062), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17311) to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala., reported the same without amendment, accompanied by a report (No. 1063), which said bill and report were referred to the House Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16078) providing for second desert-land entries, reported the same with amendment, accompanied by a report (No. 1065), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON, from the Committee on Militia, to which was referred the bill of the House (H. R. 14783) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, reported the same with amendments, accompanied by a report (No. 1067), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7545) for the organization of the militia in

the District of Columbia, reported the same with amendments, accompanied by a report (No. 1068), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16770) granting land to Anna Johnson, reported the same with amendments, accompanied by a report (No. 1064), which said bill and report were referred to the Private Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band, reported the same without amendment, accompanied by a report (No. 1066), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 17795) granting a pension to Sarah A. Harl—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1274) granting an increase of pension to Luther Lively—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURRIER: A bill (H. R. 17869) to amend section 4886 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. BENNET of New York: A bill (H. R. 17870) providing for the payment of salaries or wages to all Government employees who may be injured in the line of duty or may be required to absent themselves from duty as the result of quarantine measures—to the Committee on Reform in the Civil Service.

By Mr. GODWIN: A bill (H. R. 17871) to improve and protect Fort Johnson, in the town of Southport, N. C.—to the Committee on Appropriations.

By Mr. GARDNER of New Jersey: A bill (H. R. 17872) to provide for the purchase of a site and the erection of a public building thereon at Millville, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: A bill (H. R. 17873) to provide for the appointment of an additional district judge in and for the middle and eastern districts of Tennessee—to the Committee on the Judiciary.

By Mr. SULLOWAY: A bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 17875) to provide for the free importation of wire fencing, and for other purposes—to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 17876) for the removal of restrictions on the alienation of lands of certain Indians of the Quapaw Agency, Okla., and the sale of all unallotted tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of the said Quapaw Agency, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 17877) appropriating money for the maintenance and establishment of public schools for all children of scholastic age in the Quapaw Agency, Ottawa County, Okla.—to the Committee on Indian Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 17878) appropriating \$50,000, or so much thereof as may be necessary, for the improvement of the Kanawha River, in West Virginia—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17879) making appropriation for an elevator in the post-office and court-house at Huntington, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. SAUNDERS: A bill (H. R. 17880) for the relief of tobacco growers—to the Committee on Ways and Means.

By Mr. ANDRUS: A bill (H. R. 17881) to provide for the erection of a public building at Peekskill, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 17782) to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 17883) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: A bill (H. R. 17884) to authorize the sale and disposition of the surplus and unallotted lands in the Cheyenne River Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. GILL: A bill (H. R. 17885) empowering the Secretary of War to dispose of the transport *Ingalls* by sale to the Baltimore and Carolina Steamship Company, of Baltimore, Md.—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 17886) authorizing and directing the Adjutant-General of the United States Army to furnish to the adjutant-general of the State of Florida copies of the muster rolls of certain military organizations filed or deposited in the War Department or other Departments of the Government—to the Committee on Military Affairs.

Also, a bill (H. R. 17887) authorizing the State of Florida to make an efficient survey of all unsurveyed lands patented by the United States to the State of Florida—to the Committee on the Public Lands.

By Mr. GAINES of Tennessee: A bill (H. R. 17888) to aid the Ladies Hermitage Association to care for the "Hermitage," the home of Gen. Andrew Jackson, former President of the United States, and collect and purchase the remainder of the Andrew Jackson relics—to the Committee on the Library.

By Mr. CLAYTON: A bill (H. R. 17889) to provide for the further regulation of interstate commerce—to the Committee on the Judiciary.

By Mr. ACHESON: Joint resolution (H. J. Res. 143) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution (H. Res. 266) requesting the Immigration Commission to make investigation of the work of immigrants in the Mississippi Delta, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17890) to refund customs taxes illegally assessed and collected of John B. Keating, of Portland, Me.—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 17891) for the relief of Nathan Blbo, sr.—to the Committee on Claims.

By Mr. ANSBERRY: A bill (H. R. 17892) granting an increase of pension to George Walt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17893) granting an increase of pension to Peter Mansfield—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 17894) granting a pension to Mrs. Charles O. Murray—to the Committee on Pensions.

By Mr. BRICK: A bill (H. R. 17895) for the relief of William H. Richart—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 17896) granting an increase of pension to Henry Bauman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17897) to remove the charge of desertion from the military record of Celestin Truehill, alias Celestin Troide—to the Committee on Military Affairs.

Also, a bill (H. R. 17898) for the relief of the heirs at law of Etienne Chappuis, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 17899) granting a pension to Ann Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17900) granting a pension to William Estes—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 17901) granting an increase of pension to Sarah J. Paynter—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 17902) granting an increase of pension to Martin Hart—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17903) granting an increase of pension to Martin B. Pope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17904) granting an increase of pension to Jacob Weaver—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 17905) granting an increase of pension to Edward W. Fitch—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 17906) granting an increase of pension to Francis Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17907) granting an increase of pension to Hugh Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17908) granting a pension to Margaret F. Bell—to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 17909) to pay Charles L. Gallaher the sum of \$215—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 17910) granting an increase of pension to Nathan W. Yoder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17911) granting an increase of pension to James R. Fluent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17912) granting an increase of pension to Philip Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17913) granting an increase of pension to Josiah Thomas—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 17914) to reimburse Thomas P. Tobin for excess postage paid on the Indianoma Union Signal—to the Committee on Claims.

By Mr. FLOOD: A bill (H. R. 17915) for the relief of J. D. Rodgers, deputy United States marshal for the western district of Virginia—to the Committee on Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 17916) granting arrears of pension to William H. Willett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17917) for the relief of the estate of J. H. Frith, deceased—to the Committee on War Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 17918) granting an increase of pension to William H. Fonda—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 17919) granting an increase of pension to John Newton Hunt—to the Committee on Invalid Pensions.

By Mr. HACKETT: A bill (H. R. 17920) to correct the military record of Hezekiah A. Wood—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 17921) granting an increase of pension to William T. Sims—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 17922) granting an increase of pension to Edgar M. Quick—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 17923) granting an increase of pension to Charles S. Molen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17924) granting an increase of pension to Leonhart Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17925) granting an increase of pension to Jesse Nye—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 17926) for the relief of Elizabeth J. Bishop, widow, and the heirs of Samuel A. Bishop, deceased—to the Committee on War Claims.

By Mr. HENRY of Texas: A bill (H. R. 17927) for the relief of Nancy E. Wright, heir of Melvil Wilkerson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17928) for the relief of W. A. White—to the Committee on War Claims.

By Mr. HILL of Connecticut: A bill (H. R. 17929) granting an increase of pension to Wesley J. Horton—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 17930) for the relief of the heirs of Madison Turner—to the Committee on War Claims.

By Mr. HUBBARD of Iowa: A bill (H. R. 17931) granting an increase of pension to Lambert Meyers—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 17932) for the relief of Charles G. Jones—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17933) granting a pension to James Allen—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 17934) granting a pension to Clara M. Travis—to the Committee on Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 17935) granting an increase of pension to Henry Stichter—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17936) granting a pension to James Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17937) granting a pension to John W. Faulkner—to the Committee on Pensions.

Also, a bill (H. R. 17938) granting a pension to John Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17939) to correct the military record of Stephen Burk—to the Committee on Military Affairs.

By Mr. LEGARE: A bill (H. R. 17940) for the relief of the heirs of Sarah Watts—to the Committee on War Claims.

By Mr. MACON: A bill (H. R. 17941) for the relief of Lucy Moore, widow, and the heirs of W. P. Moore, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 17942) granting an increase of pension to William W. Jenkins—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 17943) granting an increase of pension to John A. J. Snyder—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 17944) granting an increase of pension to Edson Newbury—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 17945) to correct the military record of Reginald Woollett—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 17946) granting a pension to Sophia E. Hartsock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17947) granting a pension to Hattie V. Tall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17948) granting an increase of pension to John Mills—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 17949) granting an increase of pension to James M. King—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 17950) granting a pension to Bridget M. Perry—to the Committee on Pensions.

Also, a bill (H. R. 17951) granting a pension to Alberta E. Fleming—to the Committee on Pensions.

Also, a bill (H. R. 17952) for the relief of John W. McKibben—to the Committee on War Claims.

By Mr. SHEPPARD: A bill (H. R. 17953) for the relief of H. Polkinhorne, jr., or his heirs or legal representatives—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 17954) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, and the heirs of Samuel Ward, deceased—to the Committee on Claims.

Also, a bill (H. R. 17955) for the relief of Elizabeth De Graffenreid, widow, and the heirs of Jasper N. De Graffenreid, deceased—to the Committee on Claims.

Also, a bill (H. R. 17956) for the relief of the heirs of William Stansbury, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17957) for the relief of J. W. Hedrick—to the Committee on Claims.

Also, a bill (H. R. 17958) for the relief of the heirs of A. H. Redus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17959) granting an increase of pension to Isaac N. Greer—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 17960) for the relief of Marcellus Butler—to the Committee on Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 17961) granting an increase of pension to Zalmon B. Allee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17962) granting an increase of pension to Frank E. Watrous—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 17963) granting a pension to Emily I. Moss—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 17964) granting a pension to James S. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17965) granting a pension to George Warren Sawyer—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 17966) granting an increase of pension to Martin Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17967) for the relief of the heirs of J. L. W. Bullock, deceased—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 17968) granting a pension to Almon H. Stoner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Etna, Ohio, Grange, No. 1681, asking for creation of a national highway commission—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Dr. R. W. Pyle—to the Committee on Pensions.

By Mr. BATES: Petition of L. P. Howard, of Louisville, Pa., as to rights of railroad telegraph operators—to the Committee on Interstate and Foreign Commerce.

Also, petition of secretary of Business Men's Exchange of Erie, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Layman Felheim, Erie Foundry Company, American Stoker Company, Reed Manufacturing Company, and National Foundry Company, all of Erie, Pa., against eight-hour bill—to the Committee on Labor.

Also, petition of Lowell Manufacturing Company, of Erie, opposing Gardner eight-hour bill—to the Committee on Labor.

Also, petition of W. E. Marsh, of Corry, Pa., favoring national registration of automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. T. Campbell, of Hookstown, Pa., in favor of parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marcus Cohen, protesting against Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Lake Shore Rubber Company, of Erie, Pa., opposing eight-hour law—to the Committee on Labor.

Also, petition of Central Labor Union of Erie, Pa., favoring building of battle ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. BARTLETT of Georgia: Petition of Manufacturers and Merchants' Association of Georgia and Retail Merchants and Business Men's Association of Brunswick, Ga., favoring improvement of the rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. BROUSSARD: Paper to accompany bill for relief of heirs of Jean Baptiste Mellini—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of E. W. Clark et al., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. CALDER: Petition of American citizens of Polish birth, on behalf of their unfortunate compatriots—to the Committee on Immigration and Naturalization.

Also, petition of the National Guard Association of the State of New York, approving S. 4316 and H. R. 14783—to the Committee on Militia.

Also, petition of Chamber of Commerce of Buffalo, urging that additional clerks for the census of 1910 be selected after open competitive examination under civil-service rules—to the Committee on the Census.

By Mr. CAPRON: Petition of Edmund Lyons et al., of Peace Dale, R. I., in favor of the copyright bill—to the Committee on Patents.

Also, petition of Board of Trade of Providence, R. I., favoring improvement of the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of Woonsocket (R. I.) Central Labor Union, for building of at least one battle ship at Government yard—to the Committee on Naval Affairs.

By Mr. CHANEY: Paper to accompany bill for relief of Sarah J. Paynter, of Bedford, Ind.—to the Committee on Pensions.

By Mr. DAWSON: Petition of Arsenal Lodge, No. 81, International Association of Mechanics, of Rock Island, Ill., favoring building of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. DUNWELL: Petition of American Free Art League, for removal of duty on art works—to the Committee on Ways and Means.

Also, petition of chamber of commerce, against the Crum-packer census employee bill—to the Committee on the Census.

Also, petition of Polish organizations and Polish press, against the Polish expropriation bill of the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of Bishop Potter and many other clergymen of New York City, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Will County German-Ameri-

can Republican Club and Anna Fruit Growers' Association, of Anna, Ill., favoring a parcel-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Michigan: Paper to accompany bill for relief of William H. Fonda—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Dr. William H. Willett, of Adams, Tenn.—to the Committee on Pensions.

By Mr. GRANGER: Petition of William N. McVicker, bishop of Rhode Island, and 18 other ministers of religion, of Providence, R. I., against multiplication of battle ships—to the Committee on Naval Affairs.

Also, petition of Edmund Lyons, of Peace Dale, R. I., and 5 others, in favor of copyright bill—to the Committee on Patents.

Also, petition of New England Butt Company, of Providence, R. I., protesting against H. R. 15651—to the Committee on Labor.

By Mr. GRONNA: Petition of Woman's Christian Temperance Union of Casselton, N. Dak., for the passage of the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HAMILL: Petition of G. A. Hollinger, of West Hoboken, N. J., relative to Aldrich currency bill—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of Charles O'Sullivan—to the Committee on Pensions.

By Mr. HENRY of Texas: Paper to accompany bill for relief of Mrs. Mary E. Wright—to the Committee on Claims.

By Mr. HILL of Connecticut: Petition of Business Men's Association of the State of Connecticut, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, with regards to forest reservations—to the Committee on Agriculture.

By Mr. KELHER: Petitions of Alpha Gamma Society, of Malden; Young Men's Association of Malden, and Hebrew Immigrant Aid Society, of Boston, all in the State of Massachusetts, against enactment of legislation of an educational test, increase of head tax, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Benoth Israel Sheltering Home, of Boston, against enactment of educational test, head tax, etc.—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Petition of Local Union No. 117, Journey-men Plumbers, Gas Fitters, and Steam Fitters, of Watertown, N. Y., favoring the building of battle ships in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. LAW: Paper to accompany bill for relief of Thomas Allen (War Veterans and Sons, United States of America, supporting H. R. 5793)—to the Committee on Pensions.

Also, petition of Rev. H. C. Potter and many other clergymen of New York City, against increase of Navy—to the Committee on Naval Affairs.

Also, petition of citizens of Polish birth, protesting against treatment by the Prussian Government—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for restoration of the canteen—to the Committee on Military Affairs.

Also, petition of American National Live Stock Association, for an adequate supply of cars for live-stock shipment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Metropolitan Association of Retail Druggists, favoring S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of 132 clergymen of Boston and vicinity, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. MANN: Petition of Chicago Historical Society, in representation of Indian language of Great Miami Nation—to the Committee on Indian Affairs.

Also, petition of Illinois State Horticultural Society, favoring a parcels-post and savings-bank system—to the Committee on the Post-Office and Post-Roads.

Also, petitions of telegraphers in Chicago, Ill., favoring nine-hour law as it now stands; also Chicago City Council in regulation of affairs of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John A. J. Snyder, of Chattanooga, Tenn.—to the Committee on Invalid Pensions.

By Mr. MURDOCK: Petition of Commercial Club of Topeka,

Kans., for additional powers in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Petition of citizens of Corbin, Kans., against removal of the motto, "In God we trust," from coins—to the Committee on Coinage, Weights, and Measures.

Also, petition of Kansas City (Kans.) Board of Trade, for uniform grain inspection—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wichita, Kans., for building war ships in Government yards—to the Committee on Naval Affairs.

Also, petition of Council of Parsons, Kans., United Commercial Telegraphers, against proposed change in postal service—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Mayfield, Kans., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Grain Dealers' Association of Kansas, for uniform inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: Paper to accompany bill for relief of Edson Newbury—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Chamber of Commerce of San Francisco, Cal., for enactment of H. R. 4407—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of San Francisco, for a hearing before the Interstate Commerce Commission before a change in rate can be made (favoring S. 423)—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of citizens of Republican City, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of citizens of Underwood, McLean County, N. Dak., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET: Paper to accompany bill for relief of Nelson F. Overmyer (H. R. 3632)—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of executive committee on the nautical school, in favor of appropriation to support nautical school—to the Committee on Appropriations.

Also, petition of Musicians' Protective Association, in favor of H. R. 103—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, favoring Appalachian and White Mountain reservations—to the Committee on Agriculture.

Also, petition of National Association of Retail Druggists, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of American clergymen, protesting against additional expenditure for war vessels—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: Petition of members and congregation of Eckington Presbyterian Church, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPARKMAN: Petition of James F. Scott and others, Plumbers' Local No. 111, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. SPERRY: Petition of Company B, First Infantry, Connecticut National Guard, favoring passage of S. 4316—to the Committee on Militia.

Also, petition of State Business Men's Association of Connecticut against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petition of Trades and Labor Assembly of Bloomington, Ill., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. WASHBURN: Petition of Lyman Stowe and others, asking for payment of fees in pension cases—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Acme Rubber Manufacturing Company, of Trenton, N. J., against passage of the eight-hour law (H. R. 15651)—to the Committee on Labor.

Also, petition of Lawrenceville, N. J., Grange, No. 170, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Baptist Ministers' Association of Trenton, N. J., against repeal of the anticanteen bill—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Board of Allied Printing Trades, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Pastors' Union of Detroit, for the Littlefield original-package bill—to the Committee on the Judiciary.